JOURNAL

of the

House Of Representatives

of the

COMMONWEALTH OF KENTUCKY

Regular Session of 1960

Held in the State Capitol in the Capital City of Kentucky, at
Frankfort, in the Year of Our Lord 1960 and
in the One Hundred and Sixty-Eighth
Year of the Commonwealth

Begun on the Fifth Day of January, 1960, and Adjourned
Sine Die on the Eighteenth Day of March, 1960

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JOURNAL

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REGULAR SESSION, 1960

TUESDAY, JANUARY 5, 1960

FIRST LEGISLATIVE DAY

At a General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 5, 1960, the one hundred and sixty-seventh year of the Commonwealth, in accordance with the provisions of the Constitution, the Honorable Richard Moloney assumed the Chair and called the House to order.

Invocation by the Reverend Fred T. Moffatt, of the First Baptist Church of Frankfort.

Mr. Troy Sturgill, Acting Clerk of the House read the following certificate from the Secretary of State:

CERTIFICATION

I, Henry H. Carter, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the attached is a list of the membership of the General Assembly of the Commonwealth of Kentucky as compiled by this office, according to the records on file in said office and from the best information obtainable; and that same is a true and correct copy as I verily believe.

Given under my hand and seal of office, this 5th day of January, 1960.

/s/Henry H. Carter
Secretary of State
Commonwealth of Kentucky

The roll was called. All Representatives present except Representative Cook.

The following Representatives produced their certificates of election, appeared before the Presiding Officer, and were administered the oath of office by Judge John R. Moremen of the Court of Appeals of Kentucky:

MEMBERS OF THE HOUSE OF REPRESENTATIVES

1960 KENTUCKY GENERAL ASSEMBLY

1. Joe W. Treas (D), 609 Green Street, Fulton, Kentucky.
2. Roy C. Davis (D), Bardwell, Kentucky.
3. Lon Carter Barton (D), 420 S. Seventh Street, Mayfield, Kentucky.
4. James R. Miles (D), Route 1, Paducah, Kentucky.
5. Fred Morgan (D), 2018 Broad Street, Paducah, Kentucky.
6. O. L. Chumbler (D), Route 6—Box 50, Benton, Kentucky.
7. W. Otis Lovins (D), Route 5, Murray, Kentucky.
8. Virgil Smith (D), 911 W. Main Street, Princeton, Kentucky.
9. William F. Edmunds (D), 32 Robin Road, Hopkinsville, Kentucky.
10. Frederick E. Nichols (D), P. O. Box 290, Madisonville, Kentucky.
11. Geo. F. Harris (D), Salem, Kentucky.
12. Will Tom Wathen (D), 521 W. Main Street, Morganfield, Kentucky.
13. Richard Hopkins (D), Box 273, Calhoun, Kentucky.
14. Henry C. Neel (D), 810 Central Street, Henderson, Kentucky.
15. Pat Tanner (D), 323 W. Fourth Street, Owensboro, Kentucky.
16. R. Douglas Ford (D), Route 5, Owensboro, Kentucky.
17. James P. Hahn (D), Greenville, Kentucky.
18. Wayland Render (R), Centertown, Kentucky.
19. H. A. Hampton (D), Route 2, Trenton, Kentucky.
20. Paul E. Young (D), Olmstead, Kentucky.
21. Thomas M. Brizendine (D), Franklin, Kentucky.
22. A. E. Tucker (D), 240 E. Main Street, Bowling Green, Kentucky.
23. Glen T. White (R), Route 4, Morgantown, Kentucky.
24. Robert Spurrier (R), Route 1, Falls of Rough, Kentucky.
25. Leonard W. Cole (D), Route 2, Vine Grove, Kentucky.
26. Walter R. Moorman (D), Hardinsburg, Kentucky.
27. Geo. J. Ellis, Jr. (D), 211 S. Green Street, Glasgow, Kentucky.
28. Earl Carter (R), Tompkinsville, Kentucky.
29. Ben E. Burress (R), Greensburg, Kentucky.
30. Robert H. Cowherd (D), Route 4, Campbellsville, Kentucky.
31. C. E. Dowell (D), P. O. Box 84, Horse Cave, Kentucky.
32. Sam Houtchens (D), Bloomfield, Kentucky.
33. J. D. Buckman, Jr. (D), Shepherdsville, Kentucky.
34. Marlow W. Cook (R), 104 Ashland Road, Louisville, Kentucky.

35. Thomas L. Ray (D), 3 Club Hill Drive—Fairdale, Louisville, Kentucky.
36. Wm. J. Crecelius (D), 325 S. Peterson Avenue, Louisville, Kentucky.
37. Lawrence H. Osting (D), 1285 Eastern Parkway, Louisville, Kentucky.
38. Clarence R. Miller (D), 614 E. Brandeis, Louisville, Kentucky.
39. John W. Farmer (D), 1481 St. James Court, Louisville, Kentucky.
40. Edwin A. Rausch, Sr. (D), 625 Floral Terrace, Louisville, Kentucky.
41. Chas. E. Baumgardner, Sr. (D), 3915 Taylor Boulevard, Louisville, Kentucky.
42. William H. Childress (D), 1428 West Madison, Louisville, Kentucky.
43. Albert Steiger, Jr. (D), 2324 Greenwood Avenue, Louisville, Kentucky.
44. Matthew B. Quinn, Jr. (D), 4129 Larkwood, Louisville, Kentucky.
45. Eulyn L. Dean (D), Harrodsburg, Kentucky.
46. Frank Zeke Dexter (D), Box 44, Danville, Kentucky.
47. Jerry W. Parrish (D), Route 4, Richmond, Kentucky.
48. James T. Alexander (D), 193 Marilyn Avenue, Versailles, Kentucky.
49. Ted R. Osborn (D), 513 Citizens Union Bank Bldg., Lexington, Kentucky.
50. R. P. (Dick) Moloney (D), 638 Elsmere Park, Lexington, Kentucky.
51. Ralph Bates (D), Route 1, Frankfort, Kentucky.
52. Luther F. Morgan (D), 707 Eighth Street, Shelbyville, Kentucky.
53. Harry W. Wood (D), Milton, Kentucky.
54. Dan J. Roberts (D), Walton, Kentucky.
55. Albert C. Smith (D), Monterey, Kentucky.
56. W. K. "Bill" Henry (D), Georgetown, Kentucky.
57. Louis T. Peniston (D), New Castle, Kentucky.
58. Charles L. Summe (D), 9 Buttermilk Rd.—Lakeside Park, Covington, Kentucky.
59. Vernor O. Cottengim (D), 4312 Church Street, Covington, Kentucky.
60. John J. Isler (D), 1813 Jefferson Avenue, Covington, Kentucky.
61. Thos. P. Fitzpatrick (D), 305 W. Sixth Street, Covington, Kentucky.
62. Eugene A. Ostertag (D), 115 Waterworks Road, Fort Thomas, Kentucky.
63. James E. Murphy (D), 615 E. Fourth Street, Newport, Kentucky.
64. Finnell L. Fields (D), Brooksville, Kentucky.
65. Dr. Mitchel Bertram Denham (D), Maysville, Kentucky.

66. Herbert F. Fern (D), Route 1, Ewing, Kentucky.
67. Brooks Hinkle (D), Route 3, Paris, Kentucky.
68. William W. Haley (D), 109 College Street, Winchester, Kentucky.
69. Kenneth Nolan (D), Rothwell, Kentucky.
70. Melvin "Frosty" Hardin (D), Morehead, Kentucky.
71. Hobart Rayburn (R), Route 5, Vanceburg, Kentucky.
72. James W. Lyon (D), Raceland, Kentucky.
73. Roger E. Qualls (R), Olive Hill, Kentucky.
74. B. Bill Cornett (D), Hindman, Kentucky.
75. H. Roland Stacy (D), West Liberty, Kentucky.
76. Russell Reynolds (D), Box 103, Beattyville, Kentucky.
77. Chester A. Stidham (D), Stanton, Kentucky.
78. Ed E. Hays (R), Gray Hawk, Kentucky.
79. Charles C. Carter (R), Mt. Vernon, Kentucky.
80. Thomas Jefferson Hill, III (D), Box 173, Stanford, Kentucky.
81. R. S. Griffin (R), Liberty, Kentucky.
82. Clete L. Garner (R), Highway, Kentucky.
83. Wendell Hardwick (R), Betsey, Kentucky.
84. Leonard Hislope (R), Box 368, Somerset, Kentucky.
85. John W. Faulkner, Jr. (R), 429 Elm Street, Williamsburg, Kentucky.
86. Paul W. Cornett (R), Mershons, Kentucky.
87. Buford Clark (R), Box 704, Barbourville, Kentucky.
88. Mason Slusher (D) Beverly, Kentucky.
89. Lawrence Lankford (D), Cawood, Kentucky.
90. Robert M. Hall (R), Cumberland, Kentucky.
91. John E. White (R), Manchester, Kentucky.
92. Harry M. Caudill (D), Box 72, Whitesburg, Kentucky.
93. J. D. "Smittie" Smith (D), Dwarf, Kentucky.
94. T. T. Colley (D), Virgie, Kentucky.
95. Gether Irick (D), Stone, Kentucky.
96. Clarence "Ollie" Robinson, Jr. (D), Prestonsburg, Kentucky.
97. Ben Martin (D), Drift, Kentucky.
98. Sterling Castle (R), Nippa, Kentucky.
99. Russell Dobyns (D), Louisa, Kentucky.
100. Harry King Lowman (D), 2658 Virgina Avenue, Ashland, Kentucky.

Representative Fitzpatrick nominated The Honorable Harry King Lowman, from Boyd County, as Speaker, seconded by Representative Wathen. Representative Lowman was elected by acclamation.

The Speaker was escorted to the Chair by Representative Fitzpatrick. Oath of office was given by Judge John R. Moremen of the Court of Appeals of Kentucky.

Representative Ray, seconded by Representative Wathen, nominated the following constitutional officers:

Chief Clerk, Troy Sturgill; Assistant Clerk, Brooks Hargrove; Enrolling Clerk, Ruth Layson; Sergeant at Arms, True Mackey; Doorkeeper, Walker Wiseman; Janitor, Virgil Reynolds; Cloakroom Keeper, O. C. Jones; Cloakroom Keeper, John H. Renneisen; Page, Lonnie Fields; Page, Faye Wren; Page, Jay Liebman; Page, Morris Wilson Beebe.

The above officers were elected by acclamation, and were administered the oath of office by Judge John R. Moremen.

Representative Rayburn announced that the Republican Party, in caucus assembled, had elected the Honorable Leonard Hislope, from Pulaski County, Minority Floor Leader of the House and the Honorable Paul Cornett, from Laurel County, as Caucus Chairman.

Representative Wathen announced that the Democratic Party, in caucus assembled, had elected the Honorable Thomas L. Ray, from Jefferson County, Majority Floor Leader of the House and the Honorable Richard P. Moloney, from Fayette County, as Caucus Chairman.

Introduction of Resolutions

HR 1, by Representative Ray: A RESOLUTION adopting temporary rules of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the rules adopted by the House of Representatives for the Regular Session of 1958 be adopted as the temporary rules governing the Session beginning January 5, 1960.

Representative Ray moved the adoption of **HR 1.** Agreed.

HR 2, by Representative Ray: A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant-at-arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Representative Ray moved the adoption of **HR 2.** Agreed.

HR 3, by Representative Ray: A RESOLUTION providing for a special committee to report on permanent rules.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

The Speaker of the House of Representatives is authorized and directed to appoint a special rules committee to study and report on permanent rules for the 1960 Session of the House of Representatives.

Representative Ray moved the adoption of **HR 3.** Agreed.

HR 4, by Representative Ray: A RESOLUTION authorizing appointment of a Committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Ray moved the adoption of **HR 4.** Agreed.

The Speaker appointed the following committee pursuant to **HR 4:** Representatives Lyon, Robinson, Martin, Ford, Barton, Paul Cornett and Fred Morgan.

Representative Ray moved to go into Joint Session. Agreed.

Joint Session

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House and the Honorable Wilson W. Wyatt, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Invocation by Reverend Fred T. Moffatt of the First Baptist Church of Frankfort.

Representative Ray moved that the roll call of Joint Session be dispensed with. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Bert T. Combs, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:
Lieutenant Governor Wyatt, Mr. President of the Senate, Mr. Speaker of the House, Members of the General Assembly:

We are meeting here today to begin what in my opinion can become one of the most significant sessions of the General Assembly of Kentucky in history. It is not mere oratory to say that the opportunities that are presented to us are tremendous in scope.

I am confident, too, that we are met here in an atmosphere of mutual trust, candor and confidence. It is my intention now, and will be my intention always while Governor of Kentucky, to be frank with you concerning my plans for legislation and other things. I trust that you will feel sufficient confidence in me and this administration to be equally frank, and to call upon me and members of this administration for any legitimate help that we may render to you.

In keeping with the laws and traditions of our state, I shall present here today my views of legislation necessary and benefiicial to the welfare of Kentucky during the coming years. Little of this, I dare say, will be completely new or startling to any of you. Wilson Wyatt and I have repeatedly made clear our views concerning a legislative program. Furthermore, I am pleased to say that this, in my opinion, is an unusually well-informed assembly. I have found in personal conversation with you that you are not only aware of the problems that confront Kentucky but are as determined as I am to do your utmost to solve those problems.

I have declared before, and I promise now, that it is not my intention to attempt in any manner to coerce or use undue pressure in dealing with this Assembly. The Legislature is and must be a co-equal branch of democratic government, and regarded with the dignity and respect befitting such co-equality. This does not mean that I shall ignore or abandon the obligation of the Governor to provide leadership. I assure you that I will make every conscientious effort to provide such desirable leadership, but I shall not endeavor to bully, buy or browbeat any member of this legislative body. Instead, it is my hope and determination that we can, through mutual trust and respect, establish between us an intelligent and efficient cooperation, cooperation that will not only make our duties more pleasant, but will produce results that will redound to the benefit of all Kentuckians and strengthen the fibre of state government.

Because the bonus referendum and the Little RFC Act, so-called, are presently before the court for clarification, I am unable at this time to make final recommendations to you as regards specific appropriations. I hope I will have the privilege later in this session to make other and more specific recommendations to you in regard to these and other matters.

We have much to do between us. The decade that has just closed was a decade of definite and heartening progress for our Commonwealth. It saw the development of our great parks system, the beginning of a great highway program, the improvement of our entire structure of education. Also during the Fifties we achieved much in the fields of agriculture and conservation. Our mental health program is one of the best in the nation. Our laws governing trade and commerce have been improved. We have a splendid state police force.

We have extended the protection of the state to thousands of needy and unfortunate persons hitherto uncared for. You have a right, as members of this Assembly, to feel proud of those people.

At the same time it is true that in population growth, in per capita income and in the creation of job opportunities, we are not keeping pace with our sister states. It is my hope and determination that acting together, with the welfare of Kentucky uppermost in our minds, we shall make a bold, progressive beginning on an era of record progress for our state and unprecedented prosperity for its citizens. It has been aptly said that the ten years ahead of us will be the Decisive Decade. What we do here within the next 60 days, will largely determine how our state shall fare in these years of decision. If we here establish a sound, courageous, forward-looking course of action, we will not only put our state on the path of progress, but make it easier for those who come after us to continue toward the desired goal, and to make the Decisive Decade a landmark in the long history of Kentucky.

As you know, the issue of the veteran's bonus is currently confused because of litigation concerning the validity of the bonus referendum. Until the courts have ruled concerning the validity, I cannot recommend to you specific legislation on that subject. I am convinced, however, that this session of the Assembly has a moral obligation to the people of Kentucky to enact legislation providing for the payment of a veteran's bonus, and to provide necessary taxes to finance such payment. The bonus question has been fairly submitted to the people of Kentucky. They have approved its payment by means of a general tax on retail sales. If the courts uphold the validity of the approving referendum, your task will be considerably simplified. If, on the other hand, the referendum is ruled invalid, it is my recommendation to you that you consider legislation providing for direct payment of the bonus and taxes sufficient to finance such payments.

However the bonus is enacted, it is clear that new taxation will be required for its financing, and I recommend to you the enactment of legislation levying a general tax of three cents on retail sales. After we have had opportunity to observe our revised tax program as it affects the revenues of Kentucky, I hope to be able to recommend favorable readjustments of income taxes to provide for greater equity for Kentucky citizens and for the further creation of a more attractive climate for new business. Simultaneously with my recommendation for these taxes, I state to you that I and every member of my administration are committed to a program of rigid economy and to promise you that every dollar of taxes spent during this administration will buy for Kentucky a full dollar's worth of goods or services.

In the field of education I recommend immediate and substantial increases in teachers salaries. I also recommend the establishment of a central school building authority to assist local school districts in construction of needed facilities.

I further recommend that you approve an appropriation sufficient to establish an adequate agricultural research center at the University of Kentucky.

I strongly recommend that you enact a law providing for the establishment of a permanent, workable merit system of Civil Service for every department of State Government.

I further suggest that you consider amending present laws to make it a severe penalty to coerce, assess or propose political contributions of any state employee. The laws we now have are sufficient in scope but do not contain sufficient enforceable penalties.

I recommend to you a law requiring the installation of voting machines for every precinct in Kentucky. These machines will make it impossible to tamper with ballot boxes, to falsify returns, or to delay unreasonably in the reporting of election results. No law that you enact at this session will do more to insure fair and honest elections.

I suggest that you direct the Legislative Research Commission to report on the deficiencies of our present laws governing purgation and registration, with the view to enactment of legislation at this session correcting the current legislation abuses and providing for fair and efficient purgation of all voting lists.

I would recommend that you enact laws to close the glaring loopholes in our absentee voter laws. It should be our aim to assure every Kentuckian the right to cast a legal ballot, and, at the same time, make it impossible for unscrupulous people to misuse absentee ballots, and thus distort the expression of the electorate.

Wilson Wyatt and I have emphasized our determination to urge improvement in Kentucky Statutes governing the relationship between the state and its political subdivisions, so as to effect a greater degree of home rule for Kentucky cities and towns. Substantial improvement in this body of law can be effected by statute. I would recommend to you the amendment of present laws governing that relationship so as to increase the power of cities and towns to govern their own affairs.

You are aware, however, that much of the difficulty in this field of legislation results from restrictions imposed by the State's Constitution, making it necessary to amend the Constitution in several respects in order to achieve the desired relationship.

As you know, I have proposed and the recent Special Session of the General Assembly has approved an act calling for a referendum on the question of a Constitutional Convention to effect a limited revision of the Constitution of the Commonwealth.

I suggest that you also consider this Resolution. I am convinced that such a convention offers the best solution to such complex problems as home rule, judicial reforms, gubernatorial succession, terms and tenure of state officials, selection of officials charged with education and the payment of public officers and employees. I am also convinced as a lawyer and, after consultation with the best lawyers of the Commonwealth that you can have a limited Constitutional Convention.

In keeping with our determination to provide the most efficient government possible, at the least cost, I recommend that you abolish the Court of Claims. I recommend also that you abolish the offices of the Advisory Highway Commission. I am convinced that these offices serve no useful function that cannot be performed with equal efficiency and greater economy through other existing agencies of government.

I have been considering and I ask you to consider the beginning of a program designed to protect those Kentuckians who do not have and who cannot afford proper and adequate medical attention.

Few things have brought more criticism on the General Assembly, the legislative process and the government of Kentucky than instances of conflict of interests. I recommend that you consider seriously laws to prevent such conflict of interests, and provide the sternest penalties for those members of government who use their offices to unscrupulous advantage. This is, I know, a difficult field in which to legislate, and it is not my intention to make it impossible for legislators to engage in normal practice of their profession merely because they serve in the Assembly for two months every two years. I am determined, however, that it shall be made impossible for a member of the Assembly or of the administration to use the influence or authority of his office to gain unfair advantage or gain favor that would not ordinarily be available to him. I also say to you that I think Pat Tanner is just as determined, and you may just as well go ahead and pass his bill.

As Kentucky's major road system now under construction advances toward completion, the volume of heavy truck traffic is certain to increase. It thus becomes necessary for us to restudy our laws governing allowable size and weight of trucks with a view toward possible further revision as the condition of our highways will justify such revision. I would suggest also that you study closely the subject of motor vehicle taxation with a view toward a fair and equitable increase in the structure of taxation levied on trucks. It will be our purpose only to assure that each form of transportation pays its equitable share of our highway costs.

Our efforts to formulate a more efficient and productive system of economic development have been complicated by the fact that the

State's so-called Little RFC Act, under which the state may provide assistance to those seeking new industry, is currently being challenged in the courts. In the event it is declared invalid, I would suggest that you consider legislation giving the state similar promotional authority, keeping in mind the provisions of the courts' decision.

If the act is held to be constitutional, I will, at the appropriate time, recommend that you approve an adequate appropriation to accomplish the purpose of the act.

As you know, there are few matters of greater importance to Kentucky than that of economic development. Lieutenant Governor Wyatt has promised to devote a major portion of his time and efforts to this vital task, I am confident that you will assist by enacting legislation when the needs of this undertaking become more clear and specific requests are made to you.

As one step in our efforts to improve the basic economic foundation of our state, I recommend legislation providing for a broadened and improved forestry program, with emphasis on better fire fighting and control facilities, and a large nursery program, with a view to bringing wood-using industries into the state.

I would also recommend to you a study of the possibilities of a broadened soil conservation and small watershed program, considering especially the creation of small lakes throughout the watersheds of Kentucky for purposes of recreation, conservation, new industry and as flood control impoundments.

I recommend that you enact reasonable regulations governing the regulation of mineral production, especially as regards oil and gas, so as to protcet the interests of the state, its farmers, and sportsmen, while at the same time giving assistance and encouragement to this great industry.

I recommend that you raise the Division of Parks to departmental status. This will provide needed independence and authority and cabinet status to a department whose functions are becoming increasingly important in the coming years.

With the enactment of the program here recommended, we can, and I think we will, make more adequate provision for higher education, mental health, an improved park system, our transportation facilities, allowances to our senior citizens, medical attention for those unable to pay for it, needy disabled citizens, and dependent children.

To some this will seem an ambitious program, but it seems to me that the time has come when we must be ambitious for Kentucky, its people and its future. This is a program geared to the ambitious possibilities of the Decisive Decade that lies ahead. Perhaps it does not offer a solution to all the complex and difficult problems facing our state, but I believe if wisely enacted into law by this Assembly, it will aid materially in clearing the deficiencies in our laws—in providing for the revitalization of state services to the people—and in reshaping our constitutional obligations to the benefits of ourselves and future generations. It is vital I think that we now make a sound and dynamic start in this new decade. We can not—with jolt wagon methods—keep pace with the discoveries of the hydrogen age. I am confident that what I have presented to you here today will set us on a course of progress in governmental services which the history of Kentucky may judge and approve.

I submit these recommendations to you with full confidence that you will judge and consider them in keeping with your status as able and conscientious members of a great legislative body.

Representative Ray moved that the Joint Session of the General Assembly do now dissolve. Agreed.

The Speaker resumed the Chair and called the House to order.

Introduction of Bills

HB 1, by Representative Isler: AN ACT relating to inspection of motor vehicles.

HB 2, by Representative Isler: AN ACT relating to military service awards.

HB 3, by Representative Cottengim: AN ACT relating to sanitation and adequate shelter for certain railroad employees.

HB 4, by Representatives Edmunds, Barton, Lyons, Slusher and Hahn: AN ACT relating to crimes and punishment.

HB 5, by Representatives Render, Hopkins: AN ACT relating to drunken driving.

The Speaker appointed the following Special Rules Committee, pursuant to **HR 3**: Representatives Wathen, Fitzpatrick, Young, Farmer, Buckman, Moloney, Caudill, Hislope and Harris.

Representative Ray moved that the House adjourn until 9:00 A.M., January 6. Agreed.

WEDNESDAY, JANUARY 6, 1960

SECOND LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend Fred T. Moffatt of the First Baptist Church of Frankfort.

The roll was called. All present except Representatives Castle, Caudill, Cook, Dowell, Edmunds, Farmer, Griffin, Harris, Isler, Neel, Rausch, Rayburn, Steiger and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 5, 1960, dispensed with and the same approved on motion of Representative Fitzpatrick.

Introduction of Bills and Resolutions

HR 5, by Representative Ray: A CONCURRENT RESOLUTION pertaining to adjournment of the General Assembly.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring:

That when the Senate and the House of Representatives adjourns on January 6, 1960, they do so to reconvene on Monday, January 11, 1960, at the hour of five o'clock p.m. CST.

Representative Fred Morgan moved to amend **HR 5** as follows: Amend printed copy of **HR 5**, Page 1, line 3, by striking out the word "seven" and inserting the word "five" in lieu thereof. Agreed. Representative Fred Morgan moved the adoption of **HR 5** as amended. Agreed.

HB 6, by Representative Ford: AN ACT relating to the Highway Department.

HB 7, by Representative C. C. Carter: AN ACT relating to jurors' pay.

HB 8, by Representative Hinkle: AN ACT relating to motor vehicle registration.

HB 9, by Representative Castle: AN ACT relating to acquisition of property for road purposes.

HB 10, by Representatives Hall, Burress, Garner, Paul Cornett, Earl Carter, Clark, Hays, Qualls, Castle, G. T. White, Faulkner. AN ACT relating to payment of a cash bonus to veterans of military service.

HR 6, by Representative Ray: A RESOLUTION extending condolences to the Honorable Harry M. Caudill and family upon the death of his Father-in-law.

WHEREAS, the members of the House of Representatives have noted with deep regret the passing of the Father-in-law of the Honorable Harry M. Caudill; and

WHEREAS, the members of the House of Representatives wish to be recorded as expressing to the Honorable Harry M. Caudill and family their sincere and abiding sympathy;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the House of Representatives of the Commonwealth of Kentucky does hereby express to the Honorable Harry M. Caudill and family its deepest sympathy upon the death of his Father-in-law.

Representative Ray moved the adoption of **HR 6.** Agreed.

Senate Message

Announcing the adoption of **SR 8, HR 5.** Representative Ray moved the adoption of **SR 8.** Agreed.

Motions

Representative Ellis moved that member's names be painted on reverse side of desk plates. Agreed.

Representative Ray moved to adjourn until 5:00 P.M., January 11. Agreed.

MONDAY, JANUARY 11, 1960

SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend Edward L. Tullis of the First Methodist Church of Frankfort.

The roll was called. All present except Representatives Baumgardner, Burress, C. C. Carter, Cook, Dexter, Fern, Henry, Neel, Osborn, Parrish and Rayburn, who were granted leaves of absence on motion of Representative Lyon.

Reading of Journal for January 11 dispensed with and the same approved on motion of Representative Isler.

Introduction of Bills and Resolutions

HR 7, by Representative Ray: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

HR 8, by Representative J. D. Smith: A CONCURRENT RESOLUTION directing the Department of Highways to seek Federal designation for Kentucky Highway Number 80 as a Federal Highway. Representative J. D. Smith moved the adoption of **HR 8**. Agreed.

HR 9, by Representatives Brizendine and Robinson: A JOINT RESOLUTION directing the Department of Highways to install more signs on the public highways, which inform the public of the offense of littering the public highways.

The Speaker referred **HR 7** and **HR 9** to Committee on Committees.

HB 11, by Representatives Wathen, Neel, Hinkle, Haley and Cottengim: AN ACT relating to schools.

HB 12, by Representative Stidham: AN ACT relating to elections in cities of the fourth class.

HB 13, by Representative J. D. Smith: AN ACT relating to compensation of jurors.

HB 14, by Representative Hinkle: AN ACT relating to the operation of spray painting equipment.

HB 15, by Representative Hinkle: AN ACT changing the classification of the city of North Middletown, in Bourbon County.

HB 16, by Representative Lyon: AN ACT relating to railroads.

HB 17, by Representatives Hinkle, Fern, Ford, Tucker, Hampton, C. Smith, Smith, Garner, Summe, Roberts, Moorman, Bates and Colley: AN ACT relating to hunting and fishing.

HB 18, by Representatives Rausch and Quinn: AN ACT relating to the return of fugitives.

HB 19, by Representative Isler: AN ACT relating to automotive safety.

HB 20, by Representative C. C. Carter: AN ACT relating to county taxes.

Report of Committees

Special Rules Committee appointed pursuant to **HR 3** reported the following Rules of the House, 1960 Session, with the expression of opinion that the same should pass.

PROPOSED RULES OF THE HOUSE
1960 SESSION

Sessions of the House

Rule 1. Hours of Meeting. The House shall meet at 1 P.M., except on Monday when it shall meet at 8:00 P.M. The official time shall be governed by the clock over the main entrance to the House Chamber.

Rule 2. Quorum. A majority of the Members elected to the House shall constitute a quorum. If a quorum is not present at the time fixed for a meeting of the House, five Members may adjourn or recess from day to day or from time to time and fifteen Members may order a call of the House and send for absent Members.

Rule 3. Call of the House. Upon a call of the House the Clerk shall call the roll, then call the absentees again. The doors of the House Chamber shall then be closed and the absentees not excused by the House may be sent for and arrested by the Sergeant-at-Arms and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall be immediately admitted to the floor of the House and their names entered upon the Journal as present, unless the House otherwise directs.

Order of Business

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and Approval of the Journal.
4. Motions, Petitions, Simple Resolutions and Communications.
5. Report of Committees.
6. First Reading of Bills.
7. Second Reading of Bills.

8. Orders of the Day.
9. Report of Reference of Bills to Committees.
10. Introduction and Report of Bills and Resolutions Introduced.
11. Announcements.
12. Adjournment.

Rule 5. Unfinished Business. Unfinished business which was being considered upon adjournment shall have precedence in the class of business to which it properly belongs upon the next succeeding legislative day.

Motion

Rule 6. Reading of Motions. When a motion has been made and seconded, it shall be stated by the Chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Rule 7. Withdrawal of Motions. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in the possession of the House, and shall not be withdrawn without consent of the House. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Rule 8. Order of Questions. All questions, whether in Committee of the Whole or in the House, when not privileged questions, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Rule 9. Precedence of Motions. When a question is under consideration, no motion shall be in order except:

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To take recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a fixed time.
7. To commit.
8. To amend.
9. To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged and the first five of them shall not be debatable.

A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Rule 10. Motion to Strike Out Enacting Clause. A motion to amend by striking out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Rule 11. Motion to Adjourn. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a Member is speaking, while a vote is being taken or when the Committee on Committees is reporting; subject, however, to the limitation set out in Rule 9.

Rule 12. Previous Question. When the previous question has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order. The effect of the previous question shall be to put an end to all debate; to prevent the offering of additional amendments and to bring the House to an immediate vote upon the measure and amendments aforesaid. The previous question may be ordered by a majority of the Members voting. On the call of the roll, no Member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes.

Rule 13. Motion to Separate Part of a Measure. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Rule 14. Motion to Reconsider. A motion to reconsider a vote shall not be in order unless made by a Member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days in which the House is in session next after the day the vote was taken; however, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Member.

Rule 15. Postponement of Measure. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Rule 16. Reading of Pending Papers. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Member, but it shall not again be read on the same day unless so ordered by the House.

Rule 17. Nominations. In all elections a previous nomination shall be made.

Members

Rule 18. Attendance of Members. No member shall absent himself from a session of the House without leave from the House.

Rule 19. Decorum of Members. No member shall designate another Member by name.

Rule 20. Call to Order. If any Member, in speech or otherwise, transgress the rules of order or decorum, he shall immediately be called to order by the Chair and shall take his seat. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from the Member called to order, or upon the withdrawal of the objectionable language, the Speaker may permit the Member to proceed, or may compel silence upon him until the matter is disposed of. The ruling of the Chair shall be subject to an appeal to the House. A Member offending the House shall be liable to censure.

Rule 21. Debate. No Member may speak more than once to the same subject until all Members desiring to be heard have spoken, but nothing in this rule shall do away with the previous question if then in effect, nor permit debate on an undebatable motion.

No Member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

Rule 22. Members Shall Vote at Seats. A Member shall vote only when at his seat or visibly approaching it.

Officers and Employees

Rule 23. Duties of Speaker. The Speaker shall take the Chair every day precisely at the hour fixed for the meeting of the House, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless the reading of the same is dispensed with by the House.

The Speaker shall preserve decorum and order and, in the event of any disorder in the gallery or in the House Chamber, may cause the same to be cleared of any persons creating disturbances or disorders.

All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when the paper is issued; and his signature shall be attested by the Clerk, when ordered by a majority of the Members.

Rule 24. Appeal from Decision of Chair. The Speaker while presiding may speak to points of order in preference to Members. He shall decide points of order and manner of procedure. If two or more Members arise from their respective seats and address the Chair, the Speaker shall determine who was first and recognize him. Any decision made by the Speaker shall be subject to appeal to the House. Every such appeal shall be in writing and signed by at least two Members. During the pendency of an appeal to the House from a decision of the Chair the Speaker shall vacate the Chair and call the Majority Caucus Chairman to preside.

Rule 25. Speaker Pro Tempore. If the Speaker is to be absent from the House, he shall name a Member to perform the duties of the Chair, including duties as a Member of the Committee on Committees, but such Speaker Pro Tem shall not be empowered to act beyond a period of five legislative days and each such designation shall be in writing filed with the Clerk.

Rule 26. Duties of Clerk. The Clerk shall have charge of all the clerical business of the House. He shall have charge of the Clerk's section of the House Chamber and shall see that no one is permitted therein except himself, those assisting him, and Members.

The Clerk shall read to the House papers ordered to be read; call the roll and note and report the absentees when a call of the House is ordered; call the roll and note the answers of Members when a question is taken by yeas and nays; assist the Speaker in taking the count when any vote of the House is taken; notify committees of their appointment and business referred to them; attest all writs, warrants and subpoenas issued by order of the House; keep a Calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills; superintend the engrossing and enrolling of bills; certify to the passage of all bills and to the adoption of all joint and concurrent resolutions by the General Assembly; and make all reports to the Senate, unless otherwise ordered.

Rule 27. Journal of Proceedings. The Clerk shall cause to be kept the Journal of the proceedings of the House. The Clerk shall note upon the Journal all questions of order, together with the disposition of same, and the dates upon which all bills and resolutions were sent to committee and returned to the House. The House may correct errors in the Journal the day the Journal containing errors is presented to the House.

Half an hour before the time fixed for the meeting of the House each day, the Clerk or one of his assistants shall be present at the Clerk's desk with the Journal of the preceding session for inspection of any Member of the House.

The Clerk shall transmit the Journal for each day as soon as it has been approved by the House to the Legislative Research Commission, which shall deliver it to the public printer.

Rule 28. Custody of Papers. The Clerk shall have custody of all records, papers and bills of the House and shall not allow them to be taken out of his possession without the leave of the House, unless to be delivered to the Chairman of a committee to which they have been referred, to the public printer, or to the Legislative Research Commission, as specified in these Rules, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Rule 29. Accounts of Expenditures. The Legislative Research Commission shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House and Senate.

Rule 30. Printing of House Papers. The Legislative Research Commission shall have supervision and charge of all printing done for the House as certified by the Clerk and the public printer shall print only such documents and other matter as the Legislative Research Commission authorizes. The Clerk shall report to the Speaker every failure to execute printing work correctly and promptly.

Rule 31. Duties of the Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms and the Doorkeeper to exclude or remove all persons not entitled to the floor of the House. Thirty minutes before convening of the House each day the Sergeant-at-Arms shall announce in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel all persons who are not entitled to remain therein to leave the House Chamber and shall prohibit their entry until thirty minutes after the House has adjourned.

Rule 32. Conduct of Employees. All the constitutional employees of the House, shall, one hour before the meeting of the House each day, report to the Clerk, who shall report to the Committee on Committees whether or not all of said employees are on duty. The Committee on Committees, whenever it deems it necessary, shall report to the House any dereliction of duty.

Rule 33. Other Employees. All other professional clerical and other services required by the House or its committees shall be furnished by the Legislative Research Commission, upon the request of the Committee on Committees. Employees performing such services shall be under the supervision of the Committee on Committees.

No officer or employee of the House shall receive any fee, tip or compensation from any Member and violation of this rule shall be ground for dismissal.

Committees

Rule 34. Standing Committees. The following shall be the standing committees of the House.

1. Committee on Committees
2. Agriculture
3. Appropriations
4. Aviation
5. Banks and Banking
6. Charitable, Penal and Reformatory Institutions
7. Compensation for Industrial Injuries
8. Conservation
9. County Government
10. Constitutional Amendments
11. Courts and Legal Procedure
12. Criminal Law
13. Drainage and Water Districts
14. Education
15. Elections
16. Enrollment
17. Executive Affairs
18. Fish and Game
19. Forestry State and National Parks
20. Higher Education
21. Insurance
22. Judiciary and Judicial Council
23. Kentucky Statutes #1
24. Kentucky Statutes #2
25. Kentucky Statutes #3
26. Labor
27. Legislative Affairs
28. Library and Historical Records
29. Mines and Minerals
30. Motor Transportation
31. Municipalities #1
32. Municipalities #2
33. Municipalities #3
34. National and Civil Defense
35. Oil and Petroleum Products
36. Public Health
37. Public Utilities
38. Railroads
39. Regulation of Intoxicating Liquors
40. Revenue and Taxation

41. State Fair
42. Veterans and Military Affairs
43. Ways and Means

Rule 35. Committee on Committees. There shall be a Committee on Committees composed of the Speaker of the House, the Majority Caucus Chairman and the Majority Floor Leader of the House. The Speaker shall be Chairman of the Committee and the majority of said Committee shall have full power to act on all matters referred to said Committee, either by these rules or by the action of the House. All bills and resolutions, either joint or concurrent, shall upon their introduction, be automatically referred to the Committee on Committees who shall refer same to the proper Committee not later than the second day in which the House is in session after the date of introduction.

The Committee on Committees shall have supervision and control over all employees of the House, whether elected by the House or provided by the Legislative Research Commission, and the Committee on Committees shall see that they perform all of their duties to the House and the Members thereof. The Committee on Committees is empowered to discharge any or all said employees and officers except the constitutional officers of the House. The Committee on Committees shall appoint the members of all other standing and special committees and shall fill any vacancies thereon.

Rule 36. Committee on Claims. All resolutions to authorize the filing of suits or payment of claims against the Commonwealth or any department or agency of the State shall, upon their introduction, be referred by the Clerk to the Committee on Claims. Each person seeking to obtain such authorization for suit shall file with the Committee on Claims a statement, duly sworn and subscribed to, in which all the facts and circumstances connected with the cause of action on which such person seeks to recover are set forth; and such statement shall set forth a prima facie case against the Commonwealth of Kentucky or any department or agency of the State before the Committee shall report such resolution with the expression of opinion that the same should pass.

Rule 37. Rules Committee. No bill shall be considered by the House during the last fifteen legislative days of the session of the House or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the session of the Senate or during any special session except upon the recommendation or report of the Rules Committee of the House previously obtained, unless otherwise ordered by a majority of the Members elected to the House. The Rules Committee shall determine the order in which bills shall be taken up and considered during the last fifteen legislative days.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the last fifteen legislative days shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Speaker of the House shall act as Chairman of the Rules Committee. The Majority Floor Leader of the House shall act for the Rules Committee in calling from the Orders of the Day any bills or resolutions and shall be recognized by the Speaker for said purpose during all times that the Rules Committee is in charge.

Rule 38. Committee on Conference. When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate Bill has been amended in the House and the Senate refuses to concur in said amendment, and when neither will recede from such action, the Committee on Committees shall appoint a Committee on Conference to meet a like committee from the Senate. The Committee on Conference shall confer with the Senate Committee and report back to the House within a reasonable time, in the same manner as reports are made for House bills. The conference report shall be voted upon, and, if adopted the bill shall immediately be put upon its final passage.

Rule 39. Appointment of Committees. The Committee on Committees shall appoint the Chairman, Vice Chairman and the members of all standing and special committees and shall fill any vacancies thereon. The Committee on Committees shall select Members distributed as equally as possible from among Congressional districts, and in proposition to the representation of each political party in the House. The Vice Chairman shall act in the absence of the Chairman. The Chairman of any committee may appoint subcommittees to conduct hearings or study any matters which have been referred to the committee.

Rule 40. Meetings of Committees. No committee except the Committee on Enrollment and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House. The Committee on Committees and Committee on Enrollment may report at any time except during roll call or while a vote is being taken.

The Committee on Committees may schedule a definite time and place for the regular weekly meetings of each committee, such schedule to be posted in the House Chamber and published in the Legislative Record. A committee shall meet at the regular weekly scheduled time and place so long as business is pending before the committee. Nothing herein shall prevent the Chairman or a majority of any committee from calling a special committee meeting in addition to those regularly scheduled.

Rule 41. Committee Reports. Every committee shall report the disposition of every bill and resolution referred to it as promptly as possible. Upon the call of standing committees, the Clerk or the Chairman or ranking member of the committee may report the bill in the following manner:

"With the expression of opinion that the same should pass," or

"With the expression of opinion that the same should pass, with the committee amendment attached thereto," or

"With the expression of opinion that the same should pass, with the committee substitute attached thereto," or

"With the expression of opinion that the same should not pass," or

"Without expression of opinion."

Rule 42. Majority and Minority Reports. It shall require a majority of the committee membership to report a bill. Those members of the committee voting to report a bill must sign the committee report and the committee report shall only be signed in the committee room and while the committee is in session.

A committee report may be accompanied by a minority report, signed by those Members who have dissented from the committee's report, and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. It shall require a majority of the Members elected to adopt the minority report. The committee's report shall always be read before the minority report is read.

Rule 43. Failure to Report. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any Member and considered as if it had been regularly reported if a majority of Members elected to the House concur therein.

Rule 44. Procedure in Committee. The rules of procedure in the House shall be observed in committee insofar as the same are applicable.

Bills and Resolutions

Rule 45. Form of Bills. All bills shall be typewritten, with one original and four distinctly legible copies. The original shall be the official bill, and shall be retained by the Clerk for the use of the House until engrossed and sent to the Senate. One copy shall be used by committees; one copy shall be for the use of the press and shall be given to a person designated by the Press Club; and two copies shall be given to the Legislative Research Commission. Each copy shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the Member introducing the bill shall be placed on each cover.

Rule 46. Introduction of Bills. Bills and resolutions may be introduced by filing them in the Clerk's office at any time that his office is open. Bills and resolutions introduced by filing them in the Clerk's office after the House has concluded Item 10, in Rule 4, Order of Business shall be considered as having been introduced the next succeeding legislative day. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Committee on Committees for reference to committee.

Rule 47. Reference of Bills. The Committee on Committees shall refer all bills to the proper standing committee not later than the second day in which the House is in session after the date of introduction. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee in the same manner as original bills are referred. Bills originating in and passed by the Senate when reported to the House shall be referred to the Committee on Committees and shall take the same course as other bills.

Rule 48. Printing of Bills. Upon receipt of a bill, the Legislative Research Commission shall examine the form of the bill to ensure that it is free from errors of form or typography. If a formal change is necessary, the Commission shall request the sponsor of the bill to sign a form approving the specified changes. If a bill is found to be correct, or corrections have been approved, the Commission shall authorize its printing.

The Legislative Research Commission shall have printed at least two hundred copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law, acted on by the Senate and reported to the House. Bills shall be printed in the order in which they are introduced and shall be distributed to Member immediately upon receipt from the printer.

Rule 49. Readings of Bills. If a bill be reported with the expression of opinion that it should not pass, or without expression of opinion, a vote may then be taken on whether it shall be read at length and be placed on the Calendar, if a majority of the Members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the Calendar to be kept by him, and shall then be entitled to its second reading the next succeeding legislative day.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with by a majority of all the Members elected to the House and the bill read by its title.

Rule 50. Calendar. The Clerk shall keep a Calendar for each legislative day of the session showing the bills entitled to a second reading upon that day and shall post conspicuously the number of all bills recommended for said Calendar by the Rules Committee and the number of all bills placed in said Calendar by the Committee of the Whole House.

Bills or resolutions authorizing suits or claims against the Commonwealth shall automatically be placed upon a separate Calendar to be made a special order of business at a time ordered by the House.

Rule 51. Orders of the Day. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, or to read a third time and placed upon its passage, and the Speaker shall so announce to the House.

A bill may be recommitted or amended at any time before its passage. Bills shall be placed in the Orders of the Day in the order in which they have been given their second reading, and shall be taken therefrom in that order, unless otherwise ordered by a majority of Members elected. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical Senate bill which is in the Orders of the Day of the House.

No bill shall be taken from the Orders of the Day unless it shall have been printed and previously distributed to Members.

Rule 52. Final Passage. When a House bill has been amended in the Senate and the House has concurred in the amendment, the bill as amended shall immediately be placed upon its passage.

Rule 53. Amendments to Bills. All amendments offered shall be on sheets with a proper heading printed in blank, furnished by the Clerk, and shall bear the signature of the Members offering the same. All amendments shall give the proper page and line of the printed bill. Two copies of each amendment shall be introduced and the Clerk shall forward one copy to the Legislative Research Commission. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the advisability of the proposed amendment, subject to appeal to the House.

Rule 54. Engrossment of Bills. Every House bill and joint resolution, together with the amendments thereto, which has been passed by the House and not subject to further amendment or motion, shall be engrossed by the Clerk and so certified by him endorsing thereon the day of passage or adoption. The bill shall be delivered to the Senate in open session by the Clerk or someone designated by him, and Senate concurrence asked therein. A like procedure shall be observed toward Senate bills.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

Rule 55. Enrollment of bills. All House bills and resolutions which have passed both the Senate and the House shall be delivered by the House Clerk to the Enrolling Clerk, taking a receipt therefor, in the order in which passed. The House Clerk shall keep the number and title of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate in a suitable record book attesting the fact and date of passage.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, the Clerk of the House shall engross said amendments in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House. The Enrolling Clerk shall then cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in longhand.

The original bill or resolution and a printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. The Committee on Enrollment and the Enrolling Clerk shall jointly compare the original bill with the enrolled copy, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House. If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled and delivered to the Committee on Enrollment as is first provided herein.

Rule 56. Signing of Bills. The Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions signed by the Speaker to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall present the enrolled bill or resolution to the Governor for his approval and take his receipt for same.

Rule 57. Resolutions. Resolutions having the force and effect of law shall be treated and considered as bills in all respects under these rules.

Voting

Rule 58. Roll Call. Any Member, with a second, may demand a roll call on any matter pending before the House. The names of Members shall be arranged alphabetically when taking a yea and a nay vote.

Any time these rules require a roll call vote, or a yea and a nay vote of the Members, such vote may be taken by either a voice roll call or the electrical voting system, as ordered by the Speaker.

Rule 59. Electrical Voting System. When the House is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the Speaker shall announce:

"The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'aye,' and all opposed shall vote 'nay.' The House roll is now open for voting."

The Speaker shall recognize any Member who rises for the purpose of explaining his vote. No Member shall be allowed to speak more than three minutes to explain his vote, and shall not speak at all if the question is not a debatable question.

When sufficient time has been allowed the Members to vote and to explain their vote, the Speaker shall announce: "Have all voted?" "Does anyone desire to change his vote?" And after a sufficient pause shall say: "The Clerk shall proceed to record the vote."

The Clerk shall immediately start the recording equipment, and when completely recorded, shall present the result to the Speaker who shall announce same to the House. The Clerk shall enter upon the Journal the result in the manner provided by the rules of the House.

At the same time the vote is recorded by the electric recording equipment an original and five duplicate roll call sheets shall be made showing the vote, two of which duplicates shall be for the use of the press, and one copy shall be furnished to the Legislative Research Commission.

Rule 60. Voting for Others Prohibited. No member shall vote for another Member, nor shall any person not a Member cast a vote for a Member. In addition to such penalties as may be prescribed by law, any Member who shall vote or attempt to vote for another Member may be punished in such manner as the House may determine. If a person not a Member shall vote or attempt to vote for any Member he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

Rule 61. Pairing. All pairs announced in the House shall be entered on the Journal.

Rule 62. Adjournment Extended During Roll Call. When the roll is being called in taking a yea and nay vote, and the hour of an adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the result announced.

Privilege of the Floor

Rule 63. Persons Entitled to the Floor. No person shall be permitted upon the floor of the House when in session and one half an hour before and after the House is in session except the present Members of the General Assembly and all officers and employees of the General Assembly. Bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the floor when recommended by the Speaker and shall be governed by the rules of the House and assigned by the Speaker to a press section specifically set aside for them.

A special section of the gallery shall be reserved for the families and guests of Members, who shall be admitted upon presentation of an identification card. Other persons shall be admitted to that part of the galleries not reserved for Member's families. Members may submit the names of guests to the Clerk, who shall read the names to the House. Members shall not introduce guests from the floor.

Rule 64. Lobbying in the House Chambers. No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter that part of the Capitol while the House is in session. This rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

Rule 65. Restrictions. No article, booklet, pamphlet or any other printed matter shall be placed upon the desk of any Member unless said article, booklet, pamphlet or other printed matter contains the signature of the author, or the party interested in the distribution thereof is clearly identified. The Sergeant-at-Arms shall be charged with the duty of enforcing this rule.

Rules

Rule 66. Jefferson's Manual. In the absence of a specific rule of the House, **Jefferson's Manual of Parliamentary Practice** shall govern the proceedings, except that in all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all the Members elected thereto.

Rule 67. Change of Rules. The rules of the House, after their adoption shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the Members elected to the House. Whenever the rules are suspended, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Representative Ray moved that the House adjourn until 1 P.M., January 12. Agreed.

TUESDAY, JANUARY 12, 1960

SEVENTH LEGISLATIVE DAY

The House was called to order by the speaker.

Invocation by the Reverend Edward L. Tullis of the First Methodist Church of Frankfort.

The roll was called. All present except Representatives Caudill, Cook, Rayburn and Treas, who were granted leaves of absence on motion of Representative Isler.

Reading of Journal for January 11, 1960, dispensed with and the same approved on motion of Representative Lyon.

Report of Committees

Committee on Committees reported **HR 7**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the calendar.

HR 7, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

WHEREAS, additional personnel are necessary to expedite properly the business of the Senate and the House of Representatives; and

WHEREAS, the present apropriation of the Legislative Research Commission is insufficient to provide adequate clerical services to the General Assembly;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there be appropriated out of the General Expenditure Fund to the Legislative Research Commission the sum of one thousand and five hunderd dollars per calendar day during all regular and special sessions of the General Assembly. This appropriation shall be available for expenditure during the 1959-60 fiscal year.

WHEREAS, the General Assembly is now in session and it is necessary that these funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including January 5, 1960.

Motions, Petitions, and Communications

Representative Fitzpatrick moved to adopt Proposed Rules of the 1960 Session. Representative Isler, seconded by Representative Ford, moved the previous question on Motion. Agreed.

Representative Qualls moved to recess for ten minutes for Republican Caucus. Agreed.

At the appointed hour, the Speaker called the House to order.

Representative Fred Morgan moved to amend Proposed Rules of the 1960 Session, as follows: "Amend printed copy of Rules on page 3, section 12, line 7 by striking out the word "voting" and substitute the word "elected."

On the roll call, the vote was yeas 31—Alexander, Bates, Burress, C. C. Carter, Earl Carter, Castle, Paul Cornett, Davis, Faulkner, Fields, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Hays, Hislope, Martin, Miles, Fred Morgan, Render, Virgil Smith, Spurrier, Summe, Tanner, G. T. White, J. E. White. Nays 61—Barton, Baumgardner, Brizendine, Childress, Chumbler, Cole, Colley, B. Bill Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fitzpatrick, Hardin, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miller, Moloney, Moorman, Luther Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Stacy, Steiger, Stidham, Tucker, Wathen, Wood, Young.

-The amendment was rejected

Representative Fred Morgan moved to amend Proposed Rules of the 1960 Session as follows: "Amend printed copy of House Rules on Section 66, lines 1 and 2, words "Jefferson's Manual" in line 1 and 2 be deleted and the words "Robert's Rules of Order" be substituted in lieu thereof." Agreed.

Representative Fitzpatrick moved the adoption of the Proposed Rules as amended.

On the roll call, the vote was yeas 89—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Bill Cornett, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Tanner.

The Rules were adopted.

Introduction of Bills and Resolutions

HB 21, by Representatives Cornett, Lankford, Slusher, J. D. Smith, Robinson and Martin: AN ACT relating to medical assistance for indigent persons.

HB 22, by Representative Fitzpatrick: AN ACT relating to the city manager form of city government.

HB 23, by Representatives Cole, Fred Morgan, Luther F. Morgan, Lankford, Irick, Davis, Hahn, Houtchens and Quinn: AN ACT relating to liability insurance of school district boards.

HB 24, by Representatives Cole, Hahn, Fred Morgan, Luther F. Morgan, Lankford, Irick, Houtchens and Quinn: AN ACT relating to the liability of members of boards of education.

HB 25, by Representative Isler: AN ACT relating to the conduct of elections.

HB 26, by Repressentative Isler: AN ACT relating to purgation of voters.

HB 27, by Representatives Colley, Robinson, Bill Cornett, Lankford, Irick, Lyon, J. D. Smith and Hardin: AN ACT relating to bakery products.

HB 28, by Representatives Glen T. White, Slusher, Clark, Render and Hardwick: AN ACT relating to eminent domain proceedings.

HB 29, by Representatives Ellis and Irick: AN ACT relating to primary elections.

HB 30, by Representative Buckman: AN ACT relating to political contributions.

HR 10, by Representative Bill Cornett: A CONCURRENT RESOLUTION urging the Congress to remove present limits on matching state funds for old-age assistance.

HR 11, by Representatives Bill Cornett, Slusher, Lankford, J. D. Smith, Robinson and Martin: A JOINT RESOLUTION relating to price variances on natural gas in Knott County.

HR 12, by Representative Ray: A RESOLUTION inviting Dr. N. Burnett Magruder to open the session of January 18, 1960, with a prayer.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-arms be directed to invite Dr. N. Burnett

Magruder, of Louisville, Kentucky, to open the session of January 25, 1960, with a prayer.

Representative Ray moved the adoption of **HR 12.** Agreed.

The Speaker referred HR 10 and HR 11 to Committee on Committees.

Representative Ray moved that the House adjourn until 1 P.M., January 13. Agreed.

WEDNESDAY, JANUARY 13, 1960

EIGHTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend Edward L. Tullis of the First Methodist Church of Frankfort.

The roll was called. All present except Representatives Caudill, Cole, B. Cornett, Farmer, Griffin, Lankford, Rausch, Rayburn, Slusher and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 12 dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions, and Communications

Representative Haley, seconded by Representative Ray, moved to amend House Rules, page 1, line 1, by deleting "1 P.M." and inserting in lieu thereof "12 Noon." Agreed.

Introduction of Bills and Resolutions

HR 13, by Representative Hislope: A CONCURRENT RESOLUTION in respect and tribute to the late "Banjo Bill" Cornett.

WHEREAS, our beloved and respected friend is no more in the service of his mountain people, will no more serve with us in the General Assembly of the Comonwealth of Kentucky, and has answered the roll call of the Great Master and now will serve in the portals of the Most High.

In kindest respect we pay tribute to our loved and loving friend;

WHEREAS, he was truly the Grand Old Man of the Mountains, the Hallmark of the Hills and his kindness was known in all the valleys of his mountain domain. He was truly a devoted husband, a loving father and a dedicated friend to all his fellow men.

In honesty and integrity he towered as high as the mountain spruce that grew around his home, and in his convictions and beliefs he was as strong and immoveable as the great sandstone cliffs in the mountains of his own Knott County; and

WHEREAS, our friend was an understanding man. He knew what the mountains gave, they would sometime take away. And when from out of the furious black and boundless deep the unexpected barge came forth to carry him afar, he said not a word but quietly lay down to peaceful dreams.

He knew that man's life is like a crystal stream of flowing water which meanders its way through tall mountains and peaceful valleys, through sylvan retreats, peaceful groves, verdant plains under calm skies. But unlike other streams that flow on to a sultry dark and restless sea, this stream of life, after going over the falls rises, like the mist at the morning, toward celestial skies for final union with God. And so it was with "Banjo" Bill.

Our friend's soul was full of music and harmony. He wrote and sang many songs to his people. He was close to and was stimulated by the glory of nature. He was always aware of and thrilled by the deep valleys and shady nooks, the high winds' whispering low, the song of the whippoorwill or the swish of water in a mountain stream or the rustling of leaves in an easy breeze.

WHEREAS, now his music is stilled by the lasting sleep that kisses down the eyelids still, but for him there is still music:

"There is music here that softer falls
Than strewn rose petals on the grass
Or night dew on walls
Of shadow granite in a gleaming pass
Music that easier on the spirit lies
Than tired eyelids on tired eyes
Music that comes sifting down
From the peaceful beautiful skies.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives and the Senate do this day adjourn, they do so in memory of William "Banjo Bill" Cornett.

Section 2. That the House of Representatives and the Senate extend to the family of William "Banjo Bill" Cornett their profound and deepest sympathy and commends the members to the solace of Almighty God.

Section 3. That the Speaker of the House of Representatives and the President of the Senate are authorized to appoint an appropriate number of members of their respective bodies as a joint committee to attend the funeral of William "Banjo Bill" Cornett.

Section 4. That a copy of the Journal of the House of Representatives wherein this resolution is recorded be presented to his widow, Mrs. William Cornett.

HR 14, by Representative Ray: A CONCURRENT RESOLUTION honoring the memory of William "Banjo Bill" Cornett.

Representative Ray moved that **HR 14** be withdrawn, because of the more eloquent language of **HR 13.** Agreed.

Representative J. D. Smith moved the adoption of **HR 13.** Agreed.

Calendar

HR 7, was taken from the Calendar and ordered read at length for the second time. Representative Ray moved that **HR 7** be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Introduction of Bills and Resolutions

HB 31, by Representatives Virgil Smith, Faulkner, Albert C. Smith, Houchens, Spurrier, Slusher and Lankford: AN ACT relating to primary elections.

HB 32, by Representatives Moloney, Hinkle, Alexander, Cole, Luther F. Morgan, Houtchens, Fern, Albert C. Smith, Hill, Denham, Haley, Dean, Dowell, Osborn, Henry, Moorman, Parrish and Osting: AN ACT relating to insurance which may be written by assessment or cooperative insurance companies other than life and amending KRS 299.010, KRS 299.310 and KRS 299.380.

HB 33, by Representative Lyon: AN ACT relating to the practice of Veterinary Medicine, Veterinary Surgery, and Veterinary Dentistry requiring the County Attorney to assist the Board of Veterinary Examiners in actions wherein injunctions are sought by the Board.

HB 34, by Representative Lyon: AN ACT relating to the practice of Veterinary Medicine, Veterinary Surgery, and Veterinary Dentistry.

HB 35, by Representative Quinn: AN ACT relating to public offices.

HB 36, by Representative Henry: AN ACT relating to bonds of municipal employees.

HB 37, by Representative Henry: AN ACT relating to assessment dates for city taxation.

HB 38, by Representatives Hislope, Osborn, Robinson, Hinkle, Dexter, Henry, C. C. Carter, Clark, Griffin, Garner, Paul Cornett, Earl Carter, Castle, Hays, J. E. White, Nichols, and Lyon: AN ACT relating to the establishment of state tuberculosis hospital districts.

HB 39, by Representatives Hislope, Osborn, Robinson, Dexter, Henry, Lyon, Clark, Hinkle, C. C. Carter, Griffin, Garner, Paul W. Cornett, E. Carter, Castle, Hays, J. E White and Nichols: AN ACT relating to the training and educating of personnel employed by the State Tuberculosis Hospital Commission.

HB 40, by Representatives Osting, Baumgardner, Quinn, Rausch, Miller, Crecelius, Childress and Reynolds: AN ACT relating to trading stamps.

HB 41, by Representatives Osting and Hahn: AN ACT relating to the taxation of gasoline.

HB 42, by Representatives Ray, Alexander, Barton, Bates, C. C. Carter, Clark, Colley, Cottengim, Crecelius, Davis, Denham, Edmunds, Fern, Fields, Hahn, Hardin, Hays, Henry, Hinkle, Hopkins, Lankford, Lovins, Lyon, Miles, Luther F. Morgan, Murphy, Nichols, Nolan, Osborn, Parrish, Render, Roberts, Slusher, Albert C. Smith, J. D. Smith, Virgil Smith, Steiger, Tanner, Treas, Glen T. White, Wood, Lowman, Baumgardner, Buckman, Burress, Castle, Childress, Chumbler, Cole, Cowherd, Dean, Dexter, Dobyns, Ellis, Faulkner, Garner, Griffin, Haley, Hall, Hill, Houtchens, Irick, Martin, Miller, Ostertag, Osting, Peniston, Qualls, Quinn, Reynolds, Robinson, Stidham, Tucker: AN ACT relating to the Teachers' Retirement System, and declaring an emergency.

HB 43, by Representatives Virgil Smith and Harris: AN ACT relating to taxation of gasoline.

Motions, Petitions and Communications

The Speaker vacated the Chair, and Representative Fitzpatrick presided.

Representative Lowman moved to suspend Rules to make motion. Agreed. Representative Lowman moved to amend House Rules as follows: "Amend mimeographed copy of House Rules on page 7, line 33 by deleting "Municipalities #3" and inserting in lieu thereof "Roads and Highways". Agreed.

Representative Young moved that the House adjourn until 12:00 Noon, January 14. Agreed.

THURSDAY, JANUARY 14, 1960

NINTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend J. Carter Roberts of the Church of Nazarene.

The roll was called. All present except Representatives Brizendine, Caudill, Dowell, Hampton, Hardwick, Miller, Neel, Rayburn, Reynolds, Wathen and Young, who were granted leave of absence on motion of Representative Isler.

Reading of Journal for January 13 dispensed with and the same approved on motion of Representative Lyon.

Announcements

Committee on Committees announced the following appointments:

COMMITTEE ON AGRICULTURE

Walter R. Moorman, Chairman; Jerry W. Parrish, Vice Chairman; Ralph Bates, Thomas M. Brizendine, Charles C. Carter, Buford Clark, Leonard W. Cole, Robert H. Cowherd, Eulyn L. Dean, Finnell L. Fields, R. Douglas Ford, James P. Hahn, William W. Haley, Ed E. Hays, Thomas Jefferson Hill, III, Richard Hopkins, Sam Houtchens, W. Otis Lovins, Luther F. Morgan, Dan J. Roberts, Mason Slusher, Albert C. Smith, H. Roland Stacy, Chester A. Stidham, Charles L. Summe, Glen T. White, Harry W. Wood, Paul E. Young.

COMMITTEE ON APPROPRIATIONS

Albert Steiger, Jr., Chairman; Clarence "Ollie" Robinson, Jr., Vice Chairman; Harry M. Caudill, Marlow W. Cook, C. E. Dowell, George J. Ellis, Jr., James P. Hahn, Melvin "Frosty" Hardin, Walter R. Moorman, Ted R. Osborn, Jerry W. Parrish, Roger E. Qualls, Hobart Rayburn.

COMMITTEE ON AVIATION

Henry C. Neel, Chairman; Dan J. Roberts, Vice Chairman; Ben E. Buress, William H. Childress, Buford Clark, Paul W. Cornett, Frank Zeke Dexter, Russell Dobyns, R. Douglas Ford, Clete L. Garner, R. S. Griffin, James R. Miles, Roger E. Qualls, Matthew B. Quinn, Jr., Joe W. Treas.

COMMITTEE ON BANKS AND BANKING

Paul E. Young, Chairman; Lon Carter Barton, Vice Chairman; Marlow W. Cook, George, J. Ellis, Jr., Thomas P. Fitzpatrick, Robert M. Hall, W. K. "Bill" Henry, Brooks Hinkle, Leonard Hislope, Roger E. Qualls.

COMMITTEE ON CHARITABLE, PENAL AND REFORMATORY INSTITUTIONS

Edwin A. Rausch, Sr., Chairman; Harry W. Wood, Vice Chairman; James T. Alexander, O. L. Chumbler, Frank Zeke Dexter, William F. Edmunds, John J. Isler, Ben Martin, Charles L. Summe, Pat Tanner, John E. White.

COMMITTEE ON COMPENSATION FOR INDUSTRIAL INJURIES

Vernor O. Cottengim, Chairman; Clarence R. Miller, Vice Chairman; Charles C. Carter, Sterling Castle, Finnell L. Fields, James P. Hahn, Ed E. Hays, Ben Martin, James R. Miles, Kenneth Nolan, Jerry W. Parrish, Roger E. Qualls, Wayland Render, Clarence Robinson, Jr., Chester A. Stidham.

COMMITTEE ON CONSERVATION

R. Douglas Ford, Chairman; Sam Houtchens, Vice Chairman; James T. Alexander, Earl Carter, Buford Clark, Eulyn L. Dean, C. E. Dowell, John W. Faulkner, Jr., William W. Haley, H. A. Hampton, George F. Harris, Gether Irick, Ben Martin, Luther F. Morgan, Roger E. Qualls, Albert C. Smith, Virgil Smith, Charles L. Summe, A. E. Tucker, Glen T. White, Paul E. Young.

COMMITTEE ON CONSTITUTIONAL AMENDMENTS

Pat Tanner, Chairman; Thomas Jefferson Hill, III, Vice Chairman; J. D. Buckman, Jr., Earl Carter, William H. Childress, Vernor O. Cottengim, Frank Zeke Dexter, William F. Edmunds, John W. Farmer, John W. Faulkner, Jr., Thomas P. Fitzpatrick, Leonard Hislope, John J. Isler, Ted R. Osborne, Louis T. Peniston.

COMMITTEE ON COUNTY GOVERNMENT

Charles E. Baumgardner, Sr., Chairman; Gether Irick, Vice Chairman; Ralph Bates, Thomas M. Brizendine, Earl Carter, Buford Clark, Paul W. Cornett, Robert H. Cowherd, C. E. Dowell, Herbert F. Fern, Thomas P. Fitzpatrick, R. S. Griffin, William W. Haley, Wendell Hardwick, Ed E. Hays, Luther F. Morgan, Kenneth Nolan, Eugene A. Ostertag, Dan J. Roberts, Glen T. White, John E. White.

COMMITTEE ON COURTS AND LEGAL PROCEDURE

Louis T. Peniston, Chairman; George J. Ellis, Jr., Vice Chairman; J. D. Buckman, Jr., Harry M. Caudill, Marlow W. Cook, William J. Crecelius, Eulyn L. Dean, William F. Edmunds, Thomas Jefferson Hill, III, Frederick E. Nichols, Matthew B. Quinn, Jr., Virgil Smith.

COMMITTEE ON CRIMINAL LAW

J. D. Buckman, Jr., Chairman; Eugene A. Ostertag, Vice Chairman; Henry C. Neel, Frederick E. Nichols, Louis T. Peniston, Matthew B. Quinn, Jr., Edwin A. Rausch, Sr., Thomas L. Ray, Will Tom Wathen.

COMMITTEE ON DRAINAGE AND WATER DISTRICTS

William W. Haley, Chairman; Luther F. Morgan, Vice Chairman; Earl Carter, Sterling Castle, William H. Childress, Finnell L. Fields, R. Douglas Ford, John J. Isler, Ben Martin, James R. Miles, Kenneth Nolan, Louis T. Peniston, Thomas L. Ray, Robert Spurrier, John E. White.

COMMITTEE ON EDUCATION

Brooks Hinkle, Chairman; Richard Hopkins, Vice Chairman; Lon Carter Barton, Ralph Bates, Sterling Castle, O. L. Chumbler, Leonard W. Cole, T. T. Colley, Paul W. Cornett, Vernor O. Cottengim, Dr. Mitchel B. Denham, Finnell L. Fields, James P. Hahn, Melvin "Frosty" Hardin, Ed E. Hays, Gether Irick, Lawrence Lankford, W. Otis Lovins, James R. Miles, Luther F. Morgan, James E. Murphy, Kenneth Nolan, Russell Reynolds, Dan J. Roberts, Clarence Robinson, Jr., Mason Slusher, J. D. "Smittie" Smith, Virgil Smith, Pat Tanner, A. E. Tucker, Glen T. White, John E. White, Harry W. Wood.

COMMITTEE ON ELECTIONS

James W. Lyon, Chairman; W. Otis Lovins, Vice Chairman; James T. Alexander, Lon Carter Barton, William H. Childress, Leonard W. Cole, C. E. Dowell, William F. Edmunds, John W. Faulkner, Jr., Lawrence Lankford, James E. Murphy, Wayland Render, Mason Slusher, Pat Tanner, Glen T. White.

COMMITTEE ON ENROLLMENT

John J. Isler, Chairman; W. K. "Bill" Henry, Vice-Chairman; Finnell L. Fields.

COMMITTEE ON EXECUTIVE AFFAIRS

Richard Hopkins, Chairman; Charles L. Summe, Vice Chairman; James T. Alexander, Charles C. Carter, Roy C. Davis, Dr. Mitchel B. Denham, Herbert F. Fern, Clete L. Garner, Wendell Hardwick, Thomas Jefferson Hill, III, Lawrence Lankford, Fred Morgan, Kenneth Nolan.

COMMITTEE ON FISH AND GAME

George F. Harris, Chairman; Frederick E. Nichols, Vice Chairman; James T. Alexander, Thomas M. Brizendine, J. D. Buckman, Jr., Buford Clark, Melvin "Frosty" Hardin, Ed E. Hays, Sam Houtchens, Walter R. Moorman, Fred Morgan, Hobart Rayburn, Dan J. Roberts, Albert C. Smith, Pat Tanner, A. E. Tucker, Will Tom Wathen, Glen T. White.

COMMITTEE ON FORESTRY, STATE AND NATIONAL PARKS

C. E. Dowell, Chairman; Eulyn L. Dean, Vice Chairman; James T. Alexander, Sterling Castle, O. L. Chumbler, T. T. Colley, Paul W. Cornett, Roy C. Davis, Russell Dobyns, John W. Faulkner, Jr., Herbert F. Fern, Finnell L. Fields, Leonard Hislope, Sam Houtchens,

W. Otis Lovins, Ben Martin, Henry C. Neel, Kenneth Nolan, Ted R. Osborn, Mason Slusher, J. D. "Smittie" Smith, Robert Spurrier, Chester A. Stidham, John E. White, Harry W. Wood.

COMMITTEE ON HIGHER EDUCATION

Ted R. Osborn, Chairman; Melvin "Frosty" Hardin, Vice Chairman; Ralph Bates, Buford Clark, Leonard W. Cole, Robert M. Hall, Gether Irick, W. Otis Lovins, James R. Miles, Henry C. Neel, Jerry W. Parrish, Matthew B. Quinn, Jr., Charles L. Summe, A. E. Tucker.

COMMITTEE ON INSURANCE

Russell Reynolds, Chairman; R. Douglas Ford, Vice Chairman; C. E. Baumgardner, Sr., J. D. Buckman, Jr., O. L. Chumbler, Robert H. Cowherd, Dr. Mitchel B. Denham, Robert M. Hall, H. A. Hampton, Brooks Hinkle, Richard Hopkins, Walter R. Moorman, James E. Murphy, Jerry W. Parrish, Wayland Render, Dan J. Roberts, Albert Steiger, Jr., Will Tom Wathen.

COMMITTEE ON JUDICIARY AND JUDICIAL COUNCIL

Will Tom Wathen, Chairman; William F. Edmunds, Vice Chairman; J. D. Buckman, Jr., Marlow W. Cook, Harry M. Caudill, Eulyn L. Dean, George J. Ellis, Jr., Thomas Jefferson Hill, III, James W. Lyon, R. P. (Dick) Moloney, Henry C. Neel, Frederick E. Nichols, Edwin A. Rausch, Sr., Thomas L. Ray.

COMMITTEE ON KENTUCKY STATUTES NO. 1

James P. Hahn, Chairman; James T. Alexander, Vice Chairman; Robert H. Cowherd, R. Douglas Ford, R. S. Griffin, George F. Harris, W. K. "Bill" Henry, Mason Slusher, J. D. "Smittie" Smith, Robert Spurrier, H. Roland Stacy.

COMMITTEE ON KENTUCKY STATUTES NO. 2

Roy C. Davis, Chairman; Leonard Hislope, Vice Chairman; Thomas M. Brizendine, Charles C. Carter, Sterling Castle, William H. Childress, Vernor O. Cottengim, William J. Crecelius, Eulyn L. Dean, Wendell Hardwick, Richard Hopkins, John J. Isler, W. Otis Lovins, James E. Murphy, Frederick A. Ostertag, Lawrence H. Osting, Virgil Smith, Robert Spurrier, Joe W. Treas.

COMMITTEE ON KENTUCKY STATUTES NO. 3

R. P. (Dick) Moloney, Chairman; Robert H. Cowherd, Vice Chairman; James E. Murphy, Henry C. Neel, Frederick E. Nichols, Ted R. Osborn, Will Tom Wathen.

COMMITTEE ON LABOR

J. D. "Smittie" Smith, Chairman; Roger E. Qualls, Vice Chairman; Harry M. Caudill, T. T. Colley, Roy C. Davis, Paul W. Cornett, Vernor O. Cottengim, Frank Zeke Dexter, Herbert F. Fern, Thomas P. Fitzpatrick, James P. Hahn, Melvin Hardin, George F. Harris, Lawrence

Lankford, James W. Lyon, Fred Morgan, Thomas L. Ray, Hobart Rayburn, Clarence "Ollie" Robinson, Jr.

COMMITTEE ON LEGISLATIVE AFFAIRS

Clarence R. Miller, Chairman; Harry King Lowman, Vice Chairman; Marlow W. Cook, Thomas P. Fitzpatrick, Melvin "Frosty" Hardin, James W. Lyon, R. P. (Dick) Moloney, Thomas L. Ray, Will Tom Wathen.

COMMITTEE ON LIBRARY AND HISTORICAL RECORDS

Lon Carter Barton, Chairman; Ben Martin, Vice Chairman; Earl Carter, Roy C. Davis, C. E. Dowell, Herbert F. Fern, Clete L. Garner, Robert M. Hall, Sam Houtchens, Gether Irick, Mason Slusher, Albert C. Smith.

COMMITTEE ON MINES AND MINERALS

Russell Dobyns, Chairman; Chester A. Stidham, Vice Chairman; Harry M. Caudill, T. T. Colley, Paul W. Cornett, John W. Faulkner, Jr., Robert M. Hall, George F. Harris, Richard Hopkins, Gether Irick, Lawrence Lankford, Luther F. Morgan, Russell Reynolds, J. D. "Smittie" Smith, Will Tom Wathen, John E. White, Harry W. Wood.

COMMITTEE ON MOTOR TRANSPORTATION

Herbert F. Fern, Chairman; Thomas M. Brizendine, Vice Chairman; J. D. Buckman, Jr., Roy C. Davis, John W. Farmer, Lawrence H. Osting, Roger E. Qualls, Hobart Rayburn, Will Tom Wathen.

COMMITTEE ON MUNICIPALITIES NO. 1

Matthew B. Quinn, Jr., Chairman; William H. Childress, Vice Chairman; Charles E. Baumgardner, Sr., Marlow W. Cook, William J. Crecelius, John W. Farmer, Clarence R. Miller, Lawrence H. Osting, Edwin A. Rausch, Sr., Thomas L. Ray, Albert Steiger, Jr.

COMMITTEE ON MUNICIPALITIES NO. 2

James E. Murphy, Chairman; James R. Miles, Vice Chairman; Ralph Bates, Vernor O. Cottengim, Thomas P. Fitzpatrick, R. Douglas Ford, John J. Isler, Harry King Lowman, Fred Morgan, James E. Murphy, Ted R. Osborn, Eugene A. Ostertag, Charles L. Summe, Pat Tanner, A. E. Tucker.

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COMMITTEE ON OIL AND PETROLEUM PRODUCTS

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Dobyns, George J. Ellis, Jr., Clete L. Garner, Melvin "Frosty" Hardin, Hobart Rayburn, Russell Reynolds, H. Roland Stacy, Will Tom Wathen.

COMMITTEE ON PUBLIC HEALTH

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COMMITTEE ON RAILROADS

Thomas P. Fitzpatrick, Chairman; William J. Crecelius, Vice Chairman; Charles E. Baumgardner, Sr., J. D. Buckman, Jr., Ben E. Burress, Harry M. Caudill, Eulyn L. Dean, Dr. Mitchel B. Denham, James P. Hahn, George F. Harris, Brooks Hinkle, John J. Isler, James W. Lyon, James R. Miles, Clarence R. Miller, James E. Murphy, Lawrence W. Osting, Russell Reynolds, Albert Steiger, Jr., Joe W. Treas, Paul E. Young.

COMMITTEE ON REGULATION OF INTOXICATING LIQUORS

John W. Farmer, Chairman; Marlow W. Cook, Vice Chairman; Ralph Bates, Charles E. Baumgardner, Sr., Ben E. Burress, O. L. Chumbler, Vernor O. Cottengim, Eulyn L. Dean, John W. Faulkner, Jr., James W. Lyon, Clarence R. Miller, Henry C. Neel, Roger E. Qualls, Wayland Render, Chester A. Stidham, Harry W. Wood, Paul E. Young.

COMMITTEE ON REVENUE AND TAXATION

Harry M. Caudill, Chairman; Russell Reynolds, Vice Chairman; Marlow W. Cook, Dr. Mitchel B. Denham, William F. Edmunds, George J. Ellis, Jr., W. K. "Bill" Henry, Ted R. Osborn, Louis T. Peniston, Matthew B. Quinn, Jr., Clarence "Ollie" Robinson, Jr.

COMMITTEE ON ROADS AND HIGHWAYS

Melvin "Frosty" Hardin, Chairman; Mason Slusher, Vice Chairman; Thomas M. Brizendine, Dr. Mitchel B. Denham, Russell Dobyns, George J. Ellis, Jr., Harry King Lowman, James W. Lyon, John E. White.

COMMITTEE ON STATE FAIR

Jerry W. Parrish, Chairman; Virgil Smith, Vice Chairman; Ben E. Burress, Charles C. Carter, Earl Carter, Russell Dobyns, John W.

Farmer, Clete L. Garner, R. S. Griffin, William W. Haley, H. A. Hampton, Wendell Hardwick, Lawrence Lankford, Walter R. Moorman, Eugene A. Ostertag, Albert Steiger, Jr., Charles L. Summe, Joe W. Treas.

COMMITTEE ON VETERANS' AND MILITARY AFFAIRS

Albert C. Smith, Chairman; Frank Zeke Dexter, Vice Chairman; James T. Alexander, Lon Carter Barton, Ralph Bates, Thomas M. Brizendine, Harry M. Caudill, Buford Clark, Marlow W. Cook, Paul W. Cornett, Robert H. Cowherd, Dr. Mitchel B. Denham, William F. Edmunds, Thomas P. Fitzpatrick, Robert M. Hall, Melvin "Frosty" Hardin, Wendell Hardwick, Ed E. Hays, W. K. "Bill" Henry, Brooks Hinkle, Harry King Lowman, Ted R. Osborn, Louis T. Peniston, Edwin A. Rausch, Sr., Wayland Render, H. Roland Stacy, Pat Tanner, Will Tom Wathen.

COMMITTEE ON WAYS AND MEANS

W. K. "Bill' Henry, Chairman; Thomas L. Ray, Vice Chairman; Harry M. Caudill, George J. Ellis, Jr., Thomas P. Fitzpatrick, Melvin "Frosty" Hardin, Harry King Lowman, R. P. (Dick) Moloney, Matthew B. Quinn, Jr., Russell Reynolds, Will Tom Wathen.

The Clerk read the following communication:

This is to certify that I administered the Constitutional oath of office to the Honorable Marlow W. Cook, the duly elected Representative of the Thirty-fourth Legislative District, Jefferson County, on Wednesday, January 13, 1960, at 3:45 p.m.

James B. Milliken
Judge, Court of Appeals of Kentucky
Frankfort, Kentucky

Senate Message

Announcing passage of **HR 13.**

The Speaker vacated Chair, and Representative Fitzpatrick presided.

Orders of the Day

HR 7 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the adoption of **HR 7.**

On the roll call, the vote was yeas: 81—Alexander, Barton, Bates, Baumgardner, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cottengim, Cowherd,, Crecelius, Davis, Dean, Denham, Dexter Dobyns, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HR 7** was adopted.

HR 15, by Representative Render: A JOINT RESOLUTION directing the Highway Department to provide for the employment of colored persons.

HB 44, by Representative Colley: AN ACT relating to natural gas.

HB 45, by Representative Henry: AN ACT relating to motor vehicles.

HB 46, by Representative Denham: AN ACT relating to the diagnosis, treatment or cure of cancer.

HB 47, by Representative Ray: AN ACT relating to conveyance of Federal prisoners to courts of this state for trial of felony prosecutions.

HB 48, by Representative Ray: AN ACT relating to members of the general council of cities of the second class.

HB 49, by Representatives Qualls and Fitzpatrick: AN ACT relating to the Kentucky Employes' Retirement System.

HB 50, by Representative Isler: AN ACT relating to reading matter for the blind.

HB 51, by Representative Colley: AN ACT relating to education.
The Speaker resumed the Chair.

Representative Ray moved that the House adjourn until 9 A.M., January 15. Agreed.

FRIDAY, JANUARY 15, 1960

TENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend J. Carter Roberts of the Church of Nazarene.

The roll was called. All present except Representatives Brizendine, Dowell, Farmer, Hall, Hampton, Hardwick, Harris, Hislope, Isler, Moloney, Moorman, Fred Morgan, Murphy, Neel, Rausch, Rayburn, Reynolds, Spurrier, Wathen, John E. White and Young, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 13 dispensed with and the same approved on motion of Representative Lyon.

Senate Message

Announcing passage of **SR 5** and **SR 11.**

Motions, Petitions and Communications

Representative Ray moved to adopt **SR 11.** Agreed.

SR 11, A CONCURRENT RESOLUTION pertaining to adjournment of the General Assembly.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn on Friday, January 15, 1960, they do so to reconvene on Wednesday, January 20, 1960, at the hour of three o'clock p.m. CST.

Representative Ray moved to adopt **SR 5.** Agreed.

SR 5, A JOINT RESOLUTION honoring the memory of Augustus Owsley Stanley.

WHEREAS, Augustus Owsley Stanley, one of Kentucky's most illustrous sons, has heeded the call of his Creator ending a life of faithful service which reflected the highest honor upon him and contributed incalculably to the progress of this great state and indeed this nation, and;

WHEREAS, the accomplishments of this Statesman and incomparable orator were such that it is deemed fitting and proper that his memory be perpetuated by inscription of his biography upon the journals of the Senate and the House of Representatives as follows:

Augustus Owsley Stanley, six times representative in Congress from the old Second District, Governor of Kentucky, United States

Senator, member and for many years Chairman of the International Joint Commission, was born in Shelbyville May 21, 1867, a son of the Rev. William and Amanda (Owsley) Stanley. His father was captain of a company in the "Orphan Brigade" and also a Judge Advocate General in the Confederate Army, later becoming a minister of the Christian Church. After attending private schools, Augustus Owsley Stanley entered Allegheny Academy at Nicholasville, Kentucky, continued his studies at the University of Kentucky (then State College) from 1886 to 1888, and was graduated with the degree of Bachelor of Arts from Centre College at Danville in 1889. The degree of Doctor of Laws was conferred upon him. He was a member of Omicron Delta Kappa Honorary Fraternity and Sigma Alpha Epsilon Social Fraternity.

Upon completion of his studies at Centre College he entered upon a career of school teaching, including two years at the old Mackville Academy, studying law at night, to the practice of which he was admitted in 1894. He followed his profession in Flemingsburg until 1898, when he moved to Henderson, Kentucky, where he continued his practice until 1924.

He entered the political arena by being selected a Democratic Presidential Elector from the Second Congressional district in 1900. He was elected to the fifty-eighth Congress in 1902 and served twelve consecutive years. During his Congressional service he won nationwide attention by his vigorous endeavors on behalf of the tobacco growers of Kentucky, was sponsor of the legislation which brought about the regulation of the giant Tobacco Trust.

His stature locally and nationally was enhanced by his selection for the Chairmanship of the Congressional committee investigating the monopolistic practices of the United States Steel Company in its acquisition of large deposits of iron ore in the northern states.

On April 29, 1903, Congressman Stanley married Miss Susan Soaper of Henderson, and to this union there were three sons born—Augustus Owsley Stanley, Jr., William Soaper Stanley and Marion Shelby Stanley, who, while a student at the University of Kentucky lost his life in an airplane accident.

In 1915 following nomination by the Democratic party he was elected Governor of Kentucky and served in that office until May 18, 1919 at which time he resigned to enter the United States Senate, having been elected in 1918. His service in that august body which terminated on March 3, 1925, was marked by the same courage, honesty and dedication of purpose which was characteristic of his service as a Congressman and as Governor of the Commonwealth. Upon leaving the Senate he entered the practice of law in Washington, the Capital of our nation, in association with Joseph P. Tumulty, former secretary to President Woodrow Wilson. In May, 1930, he was appointed a member of the International Joint Commission, and became Chairman of that body on March 7, 1933, in which position he served until 1954.

He was a member of the Christian Church, the Benevolent and Protective Order of Elks and of the Pendennis Club.

Augustus Owsley Stanley was a dedicated, unrelenting, non-deviating and most articulate champion of Democracy having upon at least one occasion given voice to his philosophy in these terms:

"Democracy with me is more than a conviction—it is an abiding faith and now I reverently dedicate 'the bitter little that of life remains' to the service and the success of Democracy. And when the tale is told and the journey ended, I shall not have repaid the debt to the people I devoutly love and to the cause I shall maintain until my arms are palsied and my tongue is stilled in death."

Truly, it can be said of Augustus Owsley Stanley that he was one of the

"Tall men, sun crowned, who live above the fog,
In public duty, and private thinking.

And one of those

"Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy'
Men who possess opinions, and a will'
Men who have honor, who will not lie."

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the Senate and the House of Representatives do this day adjourn they do so in memory of Augustus Owsley Stanley.

Section 2. That the General Assembly does hereby extend to the family of Augustus Owsley Stanley its profound and deepest sympathy and does commend the members thereof to Almighty God who is forever near to those who trust him for solace.

Section 3. That the Clerk of the Senate cause copies of this Resolution to be transmitted to each of the members of the Congress representing the Commonwealth of Kentucky with the request that a copy thereof be spread upon the record of proceedings of the Senate and the House of Representatives and made a part of the Congressional Record.

Section 4. That a copy of the Journals of the Senate and the House of Representatives wherein this resolution is recorded be presented to Mrs. Susan Soaper Stanley, Mr. Augustus Owsley Stanley, Jr., and to Mr. William Soaper Stanley.

Report of Committees

Committee on Committees reported **HR 10** and **HR 11**, with the expression of opinion that the same should pass.

HR 10, A CONCURRENT RESOLUTION urging the Congress to remove present limits on matching state funds for old-age assistance.

WHEREAS, the federal government, in providing funds to the states for old-age assistance, limits its participation to individual payments not in excess of sixty dollars;

WHEREAS, the present plan of matching funds does not take into account the differences in the economic position, income, and the relative extent of the problem to be met in the various states; and

WHEREAS, the imposition of such ceiling and the inability of many states to carry their share of the cost poses a nation-wide problem;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to remove the present ceiling of sixty dollars in matching state funds for old-age assistance.

Section 2. That variance in needs, economic conditions, and ability to pay among the states be considered in determining the basis of matching of funds.

Section 3. That the Clerk of the Senate of the Commonwealth of Kentucky cause copies of this Resolution to be sent to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each of the senators and representatives now serving in the Congress from the Commonwealth of Kentucky and to the Secretary of the Department of Health, Education and Welfare.

HR 11, A JOINT RESOLUTION relating to price variances on natural gas in Knott County.

WHEREAS, natural gas at the wellhead is sold to utility companies at approximately twelve cents per one thousand cubic feet;

WHEREAS, the same gas is resold by the purchasing utility at rates ranging from thirty-five to eighty-five cents per one thousand cubic feet;

WHEREAS, such charge would seem, even at the lowest rate, more than adequate to insure such utilities an equitable and just profit on such business;

WHEREAS, the cost of natural gas to consumers has risen to the point that it is almost prohibitive; and

WHEREAS, the only safeguard citizen taxpayers have against the exacting of unreasonable rates by monopolistic utility companies is the investigative and regulatory power with which the Public Service Commission is vested;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Public Service Commission of the Commonwealth of Kentucky be and is hereby authorized and directed to make an exhaustive investigation into the method and manner by which rates of charge for the furnishing of natural gas to consumers are established.

Section 2. That such investigation cover every facet of the basis for such rates concentrating especially on the reason for the wide variance between the price charged and the utility company at the wellhead and the rate exacted by said utility company from its subscribing consumers.

Representative Ray moved the adoption of **HR 10.** Agreed.

Representative Ray moved the adoption of **HR 11.** Agreed.

The Speaker vacated the Chair, and Representative Fitzpatrick presided.

Introduction of Bills and Resolutions

HR 16, by Representative Hinkle: A RESOLUTION memoralizing the Congress of the United States to extend Public Law No. 550, 82nd Congress, relating to education and training benefits, to service men and women as long as the draft continues.

Reference of Bills and Resolutions

The Clerk announced that the following bills and resolutions had been referred:

Appropriations: **HB 7, HB 10, HB 13, HB 18** and **HB 20.**
Criminal Law: **HB 4, HB 5, HB 45** and **HB 47.**
Education: **HB 11, HB 24** and **HB 42.**
Elections: **HB 12, HB 25** and **HB 26.**
Fish and Game: **HB 17.**
Insurance: **HB 32.**
Kentucky Statutes #1: **HB 27.**
Kentucky Statutes #2: **HB 28.**
Kentucky Statutes #3: **HB 23, HB 30** and **HB 49.**
Legislative Affairs: **HB 21, HB 29** and **HB 31.**

Library and Historical Records: **HB 50.**
Motor Transportation: **HB 1** and **HB 19.**
Municipalities #1: **HB 35.**
Municipalities #2: **HB 15, HB 22, HB 36, HB 37** and **HB 48.**
Public Health: **HB 33, HB 34, HB 38, HB 39 and HB 46.**
Railroads: **HB 3** and **HB 16.**
Revenue and Taxation: **HB 41** and **HB 44.**
Roads and Highways: **HB 6, HB 9** and **HB 43.**
Veterans and Military Affairs: **HB 2.**
Ways and Means: **HB 8, HB 14, HB 40, HB 51** and **HR 15.**

Introduction of Bills and Resolutions

HB 52, by Representative Nichols: AN ACT relating to the effect of notarial acts performed by commissioned officers of the Armed Forces.

HB 53, by Representative Nichols: AN ACT relating to voter registration and purgation.

HB 54, by Representative Field: AN ACT relating to the treatment of patients having histoplasmosis or other fungus diseases in the state tuberculosis hospitals.

HB 55, by Representative Tanner: AN ACT relating to the operation of vehicles on highways.

HB 56, by Representatives Roberts, Ford, Bates, Virgil Smith, Render, Hill, Luther F. Morgan, Dean, Alexander, Fern, Wood, and Ellis: AN ACT relating to zoning and planning in cities of the third through sixth classes and in counties containing such cities, and declaring an emergency.

HB 57, by Representatives Tanner, Hahn, Lyon, Roberts, Chumbler, Lovins and Cowherd: AN ACT relating to the rendering of service to the Commonwealth pursuant to appointment, employment or contract, by members of the Legislative during their terms of office, and compensation paid therefor.

HB 58, by Representative Caudill: AN ACT relating to schools.

HB 59, by Representative Cottengim: AN ACT relating to public utility rates.

HB 60, by Representative Cottengim: AN ACT relating to rates and services of public utilities.

HB 61, by Representatives Caudill and Hardin: AN ACT relating to probation and parole.

HB 62, by Representatives Lowman, Ray, Caudill, Hardin, Lyon, Nolan, Ellis, Hinkle, Hahn, Houtchens, Cook, Martin, Qualls, Virgil Smith, Colley, J. D. Smith, Edmunds, Render, Stacy, Lankford, Irick, Osborn, Cottengim, Henry, Alexander, Hopkins, Lovins, Reynolds, Tucker, Cowherd, Chumbler, Buckman, Hill, Fern, Denham, Bates, Stidham, Glen T. White, Dean, Dexter, Dobyns, Roberts, Robinson, Fields, Treas and Albert C. Smith: AN ACT relating to the taking of the sense of the people of the state as to the necessity and expediency of calling a Constitutional Convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky, and such amendments as may have been made to the same, as provided by Section 258 of the present Constitution of Kentucky.

HR 17, by Representatives Ford and Cook: A RESOLUTION relating to employees paid from funds appropriated to the General Assembly.

Representative Paul Cornett moved the adoption of **HR 18.**

HR 18, A RESOLUTION relating to committee appointments.

WHEREAS, the members of the minority part of the House constitutes twenty percent of the total membership; and

WHEREAS, it is fair and equitable that the minority party have corresponding chairmanship representation on committees percentagewise;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Committee on Committees appoint six to eight members of the minority party to chairmanship positions.

On the roll call, the vote was yeas 18—Alexander, Burress, C. C. Carter, Earl Carter, Castle, Clark, Cole, Cook, Paul Cornett, Faulkner, Garner, Griffin, Hall, Hardin, Hays, Qualls, Render, G. T. White. Nays 54—Barton, Bates, Baumgardner, Buckman, Caudill, Chumbler, Colley, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Hahn, Hill, Hinkle, Hopkins, Houtchens, Irick, Lankford, Lovins, Lyon, Martin, Miles, Miller, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Ray, Roberts, Reynolds, Robinson, Slusher, Albert C. Smith, Virgil Smith, Steiger, Stidham, Treas, Stacy, Summe, and Wood. **HR 18** Rejected.

HB 63, by Representatives Caudill, Hislope, Reynolds, B. Bill Cornett, J. D. Smith, Martin, Tanner, Peniston, Robinson, Denham, Fern, Griffin, Carter, Qualls, Faulkner, Hall, Burress and Dobyns: AN ACT relating to prison labor.

HB 64, by Representative Lowman: AN ACT relating to the erection of a statute in memory of Alben William Barkley, and making an appropriation therefor.

Representative Ray moved the rules be suspended for the purpose of making a motion. Agreed. Representative Ray moved that parking facilities be investigated. Agreed. The Speaker appointed the following Committee to investigate parking: Representatives Rayburn, Ray, Paul Cornett (Chairman), and Hardin.

Representative Ray moved that the House adjourn until 3 p.m., January 20. Agreed.

WEDNESDAY, JANUARY 20, 1960

THIRTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend John C. Chenault of the First Christian Church of Frankfort.

The roll was called. All present except Representatives Barton, Martin, Roberts, A. C. Smith and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 15 dispensed with and the same approved on motion of Representative Isler.

Report of Committees

Committee on Education reported **HB 24**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 24, AN ACT relating to the liability of members of boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Except for acts or omissions resulting from malicious, wanton or fraudulent conduct, no individual member of a county or independent school district board shall be personally liable for any official act or omission by him as a member of such board, including definite and specific ministerial acts.

Committee on Education reported **HB 42**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 42, AN ACT relating to the Teachers' Retirement System, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.220, subsections (10) & (11), are amended to read as follows:

(10) "Annual salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding the following dates herein, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two

thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to July 1, 1955, which exceeds two thousand four hundred dollars shall be considered two thousand four hundred dollars and any salary subequent to July 1, 1955, shall be the actual arithmetic average salary for any five consecutive years which will provide the highest average.

(11) "Annual compensation" after July 1, 1955, means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the public schools of Kentucky during a given fiscal year before any deduction.

Section 2. KRS 161.260 is amended to read as follows:

An election shall be held on or before June 1 of each year to elect one member of the board of trustees. The member to be elected each year shall depend upon the respective terms of the members elected under 1938, 1st ex.s., c. 1, paragraph 7, and 1940, c. 192, paragraph 7a. Each member shall assume office on July 1 following his election and shall serve for a term of four years. The elections shall be conducted by ballot under the supervision of the Superintendent of Public Instruction. Each teacher who is a contributing member of the Retirement System shall have the right to vote. Nomination for membership on the board of trustees shall be made by a nominating committee consisting of one delegate from the membership of each of the districts of the Kentucky Education Association. No person may be a member of the nominating committee who is not a member of the system. The President of the Kentucky Education Association shall preside over the meeting of the nominating committee and the Secretary of the Teachers' Retirement System shall act as secretary to the committee. Two persons shall be nominated by the nominating committee. All expenses of the election shall be paid by the board of trustees out of its general expense fund.

Section 3. KRS 161.290 is amended to read as follows:

The members of the board of trustees shall serve without compensation except that elective members shall receive twenty-five dollars for each day the board is in session and all board members shall be reimbursed from the expense fund for all necessary expenses they incur through service on the Board. Suitable office quarters for the operations of the Retirement System shall be provided by the state at the capitol.

Section 4. KRS 161.340 is amended to read as follows:

The board of trustees shall elect from its membership a chairman and shall by a majority vote of all its members appoint a secretary who is not a member of the board. The secretary shall at the time of appointment be at least thirty-five years of age, a graduate of a standard four-year college, have had at least ten years experience as a teacher and be eligible for membership in the Retirement System. He shall be paid an adequate salary in accordance with established personnel classifications.

He shall not have held by appointment or election an elective office within the five-year period next preceding the date of appointment. The board shall engage such actuarial, legal, medical and other technical services and such clerical and other services as are required to transact the business of the Retirement System. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the Retirement System shall be paid at such rates and in such amounts as the board approves.

Section 5. KRS 161.400 is amended to read as follows:

The board of trustees shall designate as actuary a competent person who shall be a member of the Conference of Actuaries in Public Practice or the Society of Actuaries. He shall be the technical adviser of the board on matters regarding the operation of the funds of the system and shall perform such other duties as are required in connection therewith. At least once in each five-year period after the first year of operation of the system the actuary shall make an actuarial investigation into the mortality, earnable interest and service and compensation of the members and beneficiaries of the Retirement System, make a valuation of the assets and liabilities of the funds of the system and recommend to the board of trustees such changes as may be deemed necessary to keep the Retirement System on a sound financial basis. On the basis of the results of such investigations the board of trustees shall make necessary changes in the Retirement System within the provisions of law and shall recommend the contributions payable by the state within the limits specified in KRS 161.550.

Section 6. KRS 161.410 is amended to read as follows:

The board of trustees shall designate a Medical Review Board consisting of three licensed physicians. The Medical Review Board may designate physicians in various areas of the Commonwealth to conduct examinations as needed. The Medical Review Board shall pass upon all applications for disability retirement and upon all statements, certifications, and examinations submitted in connection with such applications. The disposition of each case shall be recommended by the board in writing to the board of trustees.

Members of the Medical Review Board shall follow such rules and regulations regarding procedures as the board of trustees may enact and shall be paid reasonable fees and expenses as authorized by the board of trustees in compliance with the provisions of KRS Section 161.330.

The board of trustees may secure such additional medical service and information as it deems necessary.

Section 7. KRS 161.430 is amended to read as follows:

(1) The board of trustees shall be the trustee of the funds of the Retirement System, and shall have full power and responsibility for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Bonds, notes or other obligations of or guaranteed by the United States, or those for which the credit of the United States is pledged for the payment of the principal and interest thereof.

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments and agencies, including revenue bonds.

(c) Obligations of any city of the first, second, third, fourth, or fifth classes of the Commonwealth of Kentucky, or county containing such city, for the payment of principal and interest on which the full faith and credit of the issuing body is pledged.

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100.

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, and any act or acts passed in the 1960 session of the General Assembly providing for the issuance of school building revenue bonds, provided the issuance of such bonds is approved by the State Board of Education.

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380.

(g) Public utility revenue bonds issued by any city of the first, second, third, fourth or fifth classes, or by a county containing such a city, or by a special taxing district located within such city or county in the Commonwealth, provided: (1) the net income from such public utility property available for the payment of such securities, for the five fiscal years next preceding any such investment, shall have averaged at least 1 1/10 times all debt service requirements for principal, interest and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and (2) the issuer of the securities covenants and is obligated to maintain rates to produce revenues, or will receive contract payments, either or both of which will be sufficient to meet costs of operation, taxes and all debt service requirements and such obligation or contract is legally enforceable.

(h) Obligations consisting of notes, bonds, debentures, or equipment trust certificates issued under an indenture, which are the direct obligation or in the case of equipment trust certificates, are secured by direct obligation, of a corporation organized under the laws of the United States or any state in the United States or the District of Columbia, when such bonds are rated at time of purchase within the three highest classifications establishd by at least two major rating services.

(i) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate net lower than two per cent per annum, and when such deposits are fully secured by direct obligations of the United States Government or of the Commonwealth of Kentucky, placed in the hands of the state treasurer and approved by the board of trustees.

(j) Stocks, preferred or common, issued or guaranteed by a corporation created or existing under laws of the United States or any state thereof, subject to the statutory restrictions governing investments by insurance companies incorporated in Kentucky.

(k) Mutual-type funds established and controlled by any organization which may be formed by the Kentucky Teachers' Retirement System and other state retirement systems of Kentucky and other southern states for the mutual investment of funds in Kentucky or the southern regional area.

(1) Productive real estate.

(2) (a) Not more than twenty-five per cent of any one issue may be purchased by the board of trustees as an investment; and not more than five per cent of the invested funds of the Retirement System may be invested in the obligations of any issuer except in the case of obligations of the United States Government; provided that not more than ten per cent of the invested funds may be invested in an issue of the Commonwealth of Kentucky or its departments or agencies as defined in this subsection. For the purpose of this subsection revenue bond obligations of the Commonwealth of Kentucky or its departments and agencies shall not be deemed to be obligations of the same obligator if the revenues pledged are derived from separate projects. No investment may be made in the obligation of any issuer which has been in default of any of its bonds or interests during a period of the last ten years immediately preceding the purchase.

(b) No more than forty per cent of the assets of the Retirement System may be invested in any one of the foregoing classifications subsection (1)(a) or subsection (1)(h), provided, however, that this limitation shall not become operative until the existing percentage in such investments has been reduced to forty per cent or until January 1, 1965, whichever occurs earlier; no more than twenty per cent of said assets may be invested in the foregoing classification subsection (1)(b); no more than twenty-five per cent of said assets may be invested in any one of the foregoing classifications subsections (1)(c), (1)(d), (1)(e), (1)(f), and (1)(g); and no more than ten per cent of said assets (no more than two per cent of the aggregate cost or book value of the total assets of the Retirement System in any one fiscal year) may be invested in any one of the foregoing classifications subsections (1)(i), (1)(j), and (1)(k); no more than six per cent of said assets may be invested in the foregoing classification (1) (l).

(3) No investment or disbursement of funds shall be made unless authorized by resolution adopted by the board of trustees.

Section 8. KRS 161.470 is amended to read as follows:

(1) The membership of the Retirement System shall consist of all new teachers, and all present teachers except those who filed statements declining membership as provided in 1938, 1st ex.s., c. 1, paragraph 29, and did not withdraw the statements within the time allowed by that section. Persons entering service who hold membership in a retirement system financed in whole or part by Kentucky state funds may retain membership in that system instead of becoming members of the Teachers' Retirement System, provided the statutes governing said system make continued membership possible.

(2) Effective July 1, 1960, and thereafter, a member or former member of the Retirement System with at least three years of contributing service subsequent to the withdrawal of contributions and cancellation of service credit may regain such credit by depositing in the teachers' savings fund the amount withdrawn with interest at the rate of three percent per annum compounded annually computed from the first of the month of withdrawal and including the month of redeposit and by depositing in the state accumulation fund an additional sum equal to fifty per cent of this amount. The payment to the state accumulation fund, including regular compound interest, shall, in the event of death of the member prior to retirement, be considered as accumulated contributions of the teacher.

(3) Effective July 1, 1960, any teacher who declined membership as provided in 1938, 1st ex.s., c. 1, paragraph 29, and who has since entered as a "new" teacher, may secure service credit for prior service, and for any subsequent service prior to date of membership, by depositing in the teachers' savings fund contributions for each year of subsequent service prior to date of membership, with interest at the rate of three per cent compounded annually to the date of deposit. The teacher shall also deposit an additional sum equal to fifty per cent of this amount in the state accumulation fund. In the event of the death of the member prior to retirement, the payment to the state accumulation fund shall be considered as accumulated contributions of the member.

(4) Effective July 1, 1960, any teacher who declined membership as provided in 1938, 1st ex.s., c. 9, paragraph 29, may become a member and receive credit for prior and subsequent service by making proper contribution for the year 1940-41 and for each year thereafter, together with interest at the rate of three per cent per annum compounded annually. The teacher shall deposit an additional sum equal to fifty per cent of this amount in the state accumulation fund. In the event of the members' death prior to retirement, the contributions to the state accumulation fund shall be considered as accumulated contributions of the member.

(5) No person shall take advantage of the provision of (2), (3) and (4) above more than once.

Section 9. KRS 161.515 is amended to read as follows:

(1) (l) For the purposes of this section, "out-of-state service" shall mean service in any other state in a comparable position, which would be covered if in Kentucky.

(2) (a) After a teacher has been a member of the Retirement System for at least one full scholastic year, he may present for credit, service rendered out-of-state subsequent to July 1, 1941, not to exceed eight such years actually taught as a certified or licensed teacher, provided such member pays to the Retirement System the amount he would have paid had he been teaching in Kentucky and in addition thereto three percent compound interest in each annual contribution from the last day of the scholastic year in which the service was rendered to date of payment to the Retirement System. For each year for which the Retirement System shall accept the contribution and interest, one year of subsequent service credit shall be given. Not more than eight years may be contributed for under this section.

(b) For each such year so paid for and for any additional years for which contributions have been paid currently, not to exceed eight years in all, any member of the Retirement System may offer bona fide out-of-state service for credit as prior service but not a greater number of years than the number for which contributions are paid, and in no case more than eight years of service prior to July 1, 1941. If out-of-state service was rendered in 1940-41, then contributions must be made for this year in the same manner as described under paragraph (a) of this section.

(c) All such service, both subsequent and prior, shall be certified to by the member and verified according to KRS 161.480 and 161.490. Appropriate form for this purpose shall be furnished by the board of trustees and used by the member making application. After additional out-of-state service credit has been granted under this section, the member receiving such service credit shall return his retirement certificate to the board of trustees and the secretary of the Retirement System shall enter thereon, with the approval of the board of trustees, the additional credit allowed any such member.

(3) Nothing in this section shall be construed to permit a member of the Kentucky Retirement System to leave the profession in Kentucky to teach in another state and during such service or upon return to teaching in the schools of Kentucky apply for the validation of such subsequent service under the provisions of this section.

(4) It is further provided that certificated teachers employed in, entering upon or transferring to service in the noneducational state institutions of Kentucky under the direction of the Department of Welfare as teachers or as supervisors of instruction may upon request

to the board of trustees come into or continue in membership and pay their retirement contributions under such rules and regulations as said board of trustees may adopt not inconsistent with the Retirement Act for the payment of said contributions.

Section 10. KRS 161.540 is amended to read as follows:

Each member shall contribute to the Retirement System five per cent of his annual compensation. The contribution of a member shall not exceed this percentage on his current annual compensation.

Section 11. KRS 161.550 is amended to read as follows:

Beginning with July 1, 1960, the state shall contribute annually to the Retirement System a permanent amount equal to that contributed by all members. The state shall contribute annually an amount sufficient to discharge the prior service obligation with interest assumed by the state, over a period not greater than thirty years.

Section 12. KRS 161.600 is amended to read as follows:

Any member who has attained the age of sixty years and who has completed twenty years of servie as a teacher in Kentucky, five of which are subsequent to July 1, 1941, with at least one year subsequent to July 1, 1959, may retire upon written application to the board of trustees of the Teachers' Retirement System. Any member who completes ten years of service subsequent to July 1, 1941, and who enters employment covered by another retirement system financed in whole or part with Kentucky state funds, may retain membership in the Teachers' Retirement System instead of joining the new system. Any member shall be automatically retired at the end of the fiscal year during which he attains the age of seventy years.

Section 13. KRS 161.620 is amended to read as follows:

(1) The retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be one per cent of his average annual prior service salary for each year of prior service credit plus one and one-half per cent of his average annual compensation for each year of subsequent service between the years 1941 and July 1, 1955, plus a percentage in excess of one and one-half per cent, to be determined by the actuary of the system and approved by the board of trustees, said determined percentage to be taken of his annual subsequent service salary for the years after July 1, 1955. The retirement allowance of a member retiring for superannuation whose age at retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial tables in use by the system. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to

one at age seventy. Said factors shall be determined by the actuary of the Retirement System and approved by the board of trustees.

(2) For any member retiring on or after July 1, 1955, no retirement allowance shall be greater than one-half of the average annual compensation unless resulting from the minimum provided in KRS 161.625.

(3) Effective July 1, 1960, each teacher retired prior to that date who had reached age sixty as of July 1, 1960, and had service credit of twenty or more years, and all teachers retired for disability, shall receive a total annual allowance amounting to not less than forty dollars multiplied by the service credit years of the teacher.

Beginning July 1, 1960, all teachers retired thereafter who have reached the age of sixty at date of retirement, who have thirty or more years of service credit and are in active service at time of retirement, and all teachers retiring by reason of disability, shall receive an annual allowance of no less than forty dollars multiplied by the service credit years of the teacher, except that where application of this minimum will produce an allowance greater than one-half of average annual compensation as herein provided the allowance shall be reduced to one-half of the average annual compensation. It is further provided that any teacher who is forced into retirement due to reaching mandatory retirement age shall qualify for the minimum annuity herein provided if the teacher has twenty years of service credit plus one year of credit for each year elapsing between July 1, 1960, and date of retirement, or July 1, 1970, whichever is earlier.

(4) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

Teachers may not make contributions and receive service credit for substitute teaching or other irregular service except as provided in rules and regulations of the board of trustees. Teachers who are placed on leave of absence may not make contributions and receive service credit for such leave except as provided in rules and regulations adopted by the board of trustees.

Section 15. The provisions of Sections 3, 4, 5, 6, 8, 10, 11, 12 and 13 of this act shall not become effective until July 1, 1960.

Section 16. Whereas it is desirable and will be profitable to the System to obtain early authority for the investment of funds as provided for herein, an emergency is declared to exist, and this act shall be effective when passed by the General Assembly and approved by the Governor.

Committee on Kentucky Statutes #3 reported **HR 16**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 16, A RESOLUTION "memoralizing the Congress of the United States to extend Public Law No. 550, 82nd Congress, relating to education and training benefits, to service men and women as long as the draft continues."

WHEREAS, the Congress of the United States, expressing the will of the citizenry by the enactment of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Congress) and the Veterans' Readjustment Act of 1952 (Public Law 550, 82nd Congress), recognized the justice, equity and general value of a sound education and training program for the veterans of our country; and,

WHEREAS, the legislation enacted to provide such education and training benefits was for the purpose of restoring lost educational opportunities to those men and women who served in the armed forces of our country and has accomplished this purpose and has been an immeasurable factor in contributing to the economic security of our veterans and their families as well as to the security of the nation as a result of the increase in our general educational level and in the professional and technical skills of the veterans; and,

WHEREAS, the increased earning power of the veterans directly attributable to the program is resulting in payment of increased income taxes which will more than repay the total cost of the program; and,

WHEREAS notwithstanding the continuing involuntary military service program, Public Law 7, 84th Congress, denies entitlement to education and training benefits to all veterans who first entered service after January 31, 1955, which is grossly inequitable;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States extend education and training benefits similar to the benefits provided by Public Law 550, 82nd Congress, as amended, to all veterans of our country who served during any period in which involuntary military service is authorized, and urges the Congress of the United States to enact legislation to accomplish this objective;

Section 2. That the clerk of the House send attested copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, the Chairmen of the Education Committee of each House and to each member of the Kentucky delegation in the Congress of the United States.

Committee on Kentucky Statutes #3 reported **HB 30,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 30, AN ACT relating to political contributions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Public employee" means a person holding a nonelective position in a department, agency or commission of the government of the Commonwealth or any political subdivision thereof.

Section 2. No public employee shall, directly or indirectly, pay or promise to pay, solicit or take any part in soliciting any assessment, subscription or contribution for any political party, political campaign or political purpose whatever. No public employee shall perform any service for any political party, political campaign or political purpose. No person shall solicit, or take any part in soliciting, or receive any assessment, subscription or contribution from any public employee for any political party, political campaign or political purpose whatever.

Section 3. Any person who violates the provisions of Section 2 of this Act shall be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not less than six months nor more than twelve months, or both.

Committee on Kentucky Statutes #3 reported **HB 62,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 62, AN ACT relating to the taking of the sense of the people of the state as to the necessity and expediency of calling a Constitutional Convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky, and such amendments as may have been made to the same, as provided by Section 258 of the present Constitution of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, whereas, at the Extraordinary Session of the General Assembly of Kentucky held in the year 1959, House Bill No. 1 was enacted by the General Assembly of the Commonwealth of Kentucky, which is in words and figures as follows, to wit:

"HOUSE BILL NO. 1

"AN ACT relating to the taking of the sense of the people of the state as the necessity and expediency of calling a Constitutional Convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky, and such amendments as may have been made to the same, as provided by Section 258 of the present Constitution of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"Section 1. That the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided in Section 258 of the Constitution of Kentucky.

"Section 2. When this act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is, when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective journals, this act shall be spread upon the respective journals of each house as a law.

"Section 3. If the next General Assembly shall, in like manner, concur in this act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for state officers which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other state elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in state elections. If it shall appear that a majority voting on the proposition was in favor of calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted in the last preceding general election in this state, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to revise or amend the present Constitution of this state, and such amendments as may have been made thereto, only with respect to the subjects set out in Section 4 of this act, and no others. Nothing in this act shall be construed to permit any change in the Bill of Rights.

"Section 4. The convention provided to be called by this act shall be limited in its consideration to the following subjects and shall consider no others:

"(1) The organization and powers of municipal, county and other local governments.

"(2) The judicial department and courts.

"(3) Compensation of public officers and employes.

"(4) The order of succession of persons entitled to act as Governor and the circumstances under which the Governor is disqualified to act.

"(5) Misfeasance, malfeasance and nonfeasance of public officers.
"(6) Official oaths.
"(7) The Railroad Commission.
"(8) The Legislative Department.
"(9) The mode of revision or amendment of the Constitution.
"(10) Incompatibility of offices.
"(11) Terms and tenure of state officers other than Governor and Lieutenant Governor.
"(12) Removal of limitations on the holding of real estate.

"Section 5. Before any Constitution agreed upon by a convention that may be called pursuant to this act and to Section 258 of the present Constitution shall take effect and become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days' notice, and ratified by a majority of those voting." and,

Whereas, the said law above copied was spread at large upon the respective journals of the General Assembly for said session,

Now, therefore, be it further enacted by the General Assembly of the Commonwealth of Kentucky, that:

Section 1. This, the Regular Session of the General Assembly, held in the year 1960, does hereby concur in House Bill No. 1 enacted at the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky held in the year 1959.

Section 2. That the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided in Section 258 of the Constitution of Kentucky.

Section 3. A poll shall be opened in each voting precinct in this state by the officers provided by law for holding general elections at the regular election to be held November 8, 1960, at which time and places the votes of the qualified voters shall be taken for and against calling the convention in the same manner provided by law for taking votes in other state elections.

Section 4. The Secretary of State, not less than fifty days before the regular election to be held November 8, 1960, shall certify the question of calling a convention to the county clerk of each county and the county clerk shall have the question as so certified placed on the ballot as provided in the general election laws. The question submitted to the voters shall be as follows:

"Are you in favor of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky and such amendments as may have been made to same, limiting said convention to the consideration of the following subjects, and no others: (1) The organization and powers of municipal, county and other local governments; (2) The judicial department and courts; (3) Compensation of public officers and employes; (4) The order of succession of persons entitled to act as Governor and the circumstances under which the Governor is disqualified to act; (5) Misfeasance, malfeasance and nonfeasance of public officers; (6) Official oaths; (7) The Railroad Commission; (8) The Legislative Department; (9) The mode of revision or amendment of the Constitution; (10) Incompatibility of offices; (11) Terms and tenure of state officers other than Governor and Lieutenant Governor; (12) Removal of limitations on the holding of real estate; **providing** that no change shall be made in the Bill of Rights; **and providing further** that any Constitution agreed upon by the convention shall not become effective until submitted to the voters of the Commonwealth for their approval, by a majority of those voting?"

Opposite and to the right of said question shall first be printed the word "Yes" with a square opposite that word, and immediately below the word "Yes" shall be printed the word "No" with a square opposite that word.

Section 5. Before a vote is taken upon the question of calling a convention the Secretary of State shall cause notice of the election and the purpose therefor to be published at least four times in two newspapers of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the question set out in Section 4 of this act will be submitted to the voters for their acceptance or rejection at the regular election to be held November 8, 1960. The publication shall be made so that the last publication will be at least ninety days preceding the election at which said question is to be voted on.

Section 6. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in state elections. If it shall appear that a majority voting on the proposition was in favor of calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted in the last preceding general election in this state, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to revise or amend the present Constitution of this state, and such amendments as have been made thereto, only with respect to the subjects set out in Section 4 of this act, and no others.

Section 7. Before any Constitution agreed upon by a convention that may be called pursuant to this act and to Section 258 of the present Constitution shall take effect and become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

Section 8. When this act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is, when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective journals, this act shall be spread upon the respective journals of each house as a law.

Representative Brizendine moved to adopt **HR 9.** Agreed.

HR 9, A JOINT RESOLUTION directing the Department of Highways to install more signs on the public highways, which inform the public of the offense of littering the public highways.

WHEREAS, Section 433.750 of the Kentucky Revised Statutes, in part, provides that any person who deposits, throws or leaves any trash, debris or litter upon any public highway without having first obtained the permission in writing of the engineer having charge of the maintenance of the highway shall be fined not less than one dollar nor more than twenty-five dollars; and

WHEREAS, through inadvertance, trash, debris and litter is being deposited, thrown or left upon the public highways;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Highways is directed to install more signs on the public highways which inform the public of the offense of littering the public highways.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Appropriations: **HB 64**
Labor: **HB 63**
Municipalities #2: **HB 56**
Public Health: **HB 54** and **HB 55**
Public Utilities: **HB 59** and **HB 60**
Veterans and Military Affairs: **HB 52**
Ways and Means: **HR 17**
Criminal Law: **HB 61**
Education: **HB 58**
Elections: **HB 53**

Judiciary and Judicial Council: **HB 57**

Kentucky Statutes #3: **HB 62** and **HR 16**

Criminal Law: **HB 65** and **HB 74**

Education: **HB 66** and **HB 82**

Judiciary and Judicial Council: **HB 78** and **HB 80**

Kentucky Statutes #1: **HB 81**

Kentucky Statutes #3: **HB 67, HB 68, HB 69, HB 70, HB 71, HB 72, HB 73** and **HB 76**

Legislative Affairs: **HB 85**

Motor Transportation: **HB 83**

Revenue and Taxation: **HB 75, HB 77** and **HB 79**

Ways and Means: **HB 84** and **HR 19**

Introduction of Bills and Resolutions

HB 65, by Representative White: AN ACT relating to peremptory challenges.

HB 66, by Representative Colley: AN ACT relating to education.

HB 67, by Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to clerks' fees.

HB 68, by Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to the duties of county clerks.

HB 69, by Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to security interests in motor vehicles.

HB 70, by Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to commercial transactions.

HB 71, by Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to commercial transactions.

HB 72, By Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to taxation.

HB 73, by Representatives Albert Smith, Luther Morgan, Roberts, Wathen: AN ACT relating to commercial transactions.

HB 74, by Representative Cottengim: AN ACT relating to punishment.

HB 75, by Representatives Caudill, Ray: AN ACT relating to revenue and taxation.

HB 76, by Representative Wathen: AN ACT relating to motor vehicle operation.

HB 77, by Representative Haley: AN ACT relating to income taxation.

HB 78, by Representatives Hays, Clark, Charles C. Carter, J. E. White, Castle, and Stidham: AN ACT relating to the drafting of deeds and mortgages.

HB 79, by Representative Haley: AN ACT relating to income taxes.

HB 80, by Representative Edmunds: AN ACT relating to assistants and employes of Commonwealth's attorneys.

HB 81, by Representatives Harris and Wood: AN ACT relating to operator's license certificate.

HB 82, by Representatives Miles, Fred Morgan, Harris, Lovins, Chumbler and Treas: AN ACT relating to education.

HB 83, by Representative Cook: AN ACT relating to licensing of motor vehicle operators.

HB 84, by Representative Caudill: AN ACT relating to circuit court districts.

HR 19, by Representative Fitzpatrick: A CONCURRENT RESOLUTION establishing a joint committee to study and report on the legislative districts of Kentucky.

HB 85, by Representatives Lowman, Ray, Albert C. Smith, Chumbler, J. E. White, Slusher, Dobyns, Tucker, Ellis and Dexter: AN ACT relating to payment of a bonus to certain veterans and certain persons deriving from them, and providing the method of financing thereof, and declaring an emergency.

HR 20, by Representatives Clark, P. W. Cornett, Hislope:

HR 20, A RESOLUTION requesting and petitioning the United States Corps of Engineers to hold a public hearing and make preliminary surveys for construction of the Rockcastle Dam.

WHEREAS, it is common knowledge that industry and flood control are desperately needed in southeastern Kentucky in general and in Jackson, Rockcastle, Laurel, and Madison Counties in particular; and

WHEREAS, due to recent flooding in this area the need for flood control was emphatically demonstrated; and

WHEREAS, an industrial survey in Jackson and Laurel counties proves the lack of a sufficient water supply for industries; and

WHEREAS, the citizens of the counties involved have shown a marked interest in alleviating these conditions; and

WHEREAS, a proposed dam site on the Rockcastle River has been suggested and maps have been prepared showing this proposed site together with high water elevation and drainage area;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the United States Corps of Engineers are requested and petitioned to hold a public hearing and make preliminary surveys of this much needed dam at an early date; and that should the preliminary survey and public hearing prove the proposed dam to be feasible project, that the necessary steps be taken as soon as practical to carry the project through to its final completion.

Section 2. That a copy of this resolution be sent to each United States Senator and Representative from Kentucky and the United States Corps of Engineers.

Representative Hays moved the adoption of **HR 20.** Agreed.

Representative Ray moved that the House adjourn until 12 p.m., January 21. Agreed.

THURSDAY, JANUARY 21, 1960

FOURTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend John C. Chenault of the First Christian Church of Frankfort.

The roll was called. All present except Burress, Earl Carter, Chumbler, Cook, Paul W. Cornett, Dobyns, Fern, Garner, Hall, Hampton, Neel, Rayburn, Reynolds, Stidham and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 20 dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions, and Communications

HR 22, by Representatives Brizendine, Ellis and Denham:

HR 22, A RESOLUTION recognizing Mrs. David Roark and James D. Snider.

WHEREAS, Mrs. David Roark and James D. Snider, both of the Allen-Simpson District, have been named respectively as the outstanding homemaker and the outstanding young farmer of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House adjourns today, it does so in recognition of Mrs. David Roark and James D. Snider.

Section 2. That the Clerk of the House send copies of this resolution to the persons recognized.

Representative Brizendine moved to adopt **HR 22.** Agreed.

Report of Committees

Committee on Elections reported **HB 12**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 12, AN ACT relating to elections in cities of the fourth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall be a candidate for any elective city office in a city of the fourth class that is operating under the councilmanic form of government, unless his nomination papers have been filed with the county court clerk not less than forty-five days before the day fixed by law for the holding of primary elections.

Committee on Ways and Means reported **HB 40**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 40, AN ACT relating to trading stamps.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Trading stamps" includes any stamps, coupons, tickets, certificates, cards, or other similar devices that upon surrender or redemption with or without accompanying cash entitle the purchaser or person receiving the same with the sale of goods, wares, merchandise, or services as a possible trade inducement or otherwise to receive other goods, wares, merchandise, services, or cash from the seller or from a third party. However, an offer made or endorsed by the manufacturer from, as a part of, or within the original wrapped package container in which goods are sold, of a premium or a reward for the return to the manufacturer of such goods, or to any dealer in such goods, of all or any part of that label or container, or any coupon placed in or attached to such label or container, is not a trading stamp.

(2) "Issuer" includes any person who issues, gives, sells, or otherwise distributes or furnishes any trading stamp to any merchant or dealer in goods or any supplier of services for issue by such merchant, dealer, or supplier in connection with the sale of goods or services.

Section 2. Trading stamps that have been distributed and not redeemed by the holder within two years of their printed date of distribution are unclaimed property. All rights of the holder of such stamps are escheated to the Commonwealth. The issuer shall pay the funds represented by such unredeemed trading stamps to the Department of Revenue.

Section 3. (1) No person shall distribute or furnish trading stamps, or redeem trading stamps, unless each stamp has legibly printed upon its face its redeemable value expressed in cents or fraction of cents. The redeemable value printed upon the face of each trading stamp shall not be less than the actual value of the trading stamp as determined by the issuer.

(2) No person shall distribute any trading stamp that does not have printed legibly on its face the month and year of distribution. Such date of distribution shall not be more than one month in advance of the date of its actual distribution.

(3) No person shall furnish a book or other device for the collection of trading stamps that does not bear a statement, in bold type, to the effect that trading stamps may be redeemed in premiums or in

cash at the option of the holder if offered for redemption within two years of the printed date of distribution.

Section 4. No person shall distribute trading stamps unless the issuer thereof makes and maintains records of:

(1) The value of trading stamps issued by him within the Commonwealth;

(2) The date of their issue;

(3) The value of trading stamps redeemed by him within two years from their date of issue, so that the records will disclose accurately the total value of trading stamps issued within the Commonwealth that have not been redeemed within two years of their date of distribution.

Section 5. No person shall distribute trading stamps issued by any issuer of trading stamps who does not redeem the trading stamps in goods or in cash at the option of the holder when trading stamps of an aggregate value of at least ten cents are presented.

Section 6. The Department of Revenue may audit any issuer's books and records to determine the amount of funds represented by unredeemed trading stamps.

Section 7. No person shall distribute trading stamps issued by an issuer who does not post bond with the Department of Revenue conditioned on his maintaining accurate records and keeping those records available to the Department of Revenue. The Department of Revenue shall promulgate reasonable regulations governing the amount of the bond, the qualifications of sureties, and forfeiture procedures.

Section 8. Any person who violates any provision of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars. Each day of continuance of a violation shall be a separate offense.

Committee on Kentucky Statutes #1 reported **HB 27**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 27, AN ACT relating to bakery products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who produces and sells bread, pies, cakes, cupcakes, rolls, buns, doughnuts, pastries, cookies, or other bakery products that are wrapped at a point other than the point at which the product is delivered to the consumer shall so label such product as to show the date on which the product was baked. The date shall be written in the English language, large enough to be readily legible, and placed in an obvious place on the wrapper.

Section 2. Any person who fails to comply with the provisions of Section 1, shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both.

Calendar

HB 24, HB 30, HB 42, HB 62, HR 16 were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Reference of Bills and Resolutions

The Clerk reported that the following bills and resolutions had been referred:

Criminal Law: **HB 65** and **HB 74**

Education: **HB 66** and **HB 82**

Judiciary and Judicial Council: **HB 78** and **HB 80**

Kentucky Statutes #1: **HB 81**

Kentucky Statutes #3: **HB 67, HB 68, HB 69, HB 70, HB 71, HB 72, HB 73** and **HB 76**

Legislative Affairs: **HB 85**

Motor Transportation: **HB 83**

Revenue and Taxation: **HB 75, HB 77** and **HB 79**

Ways and Means: **HB 84** and **HR 19**

Introduction of Bills and Resolutions

HB 86, by Representative Isler: AN ACT relating to dangerous weapons.

HB 87, by Representative Isler: AN ACT to promote employment of older persons.

HB 88, by Representatives Spurrier and Moorman: AN ACT relating to the terms of court in the forty-sixth judicial district.

HB 89, by Representative Fred Morgan: AN ACT creating a Horticultural Commission.

HB 90, by Representatives Edmunds and Virgil Smith: AN ACT relating to injury to public property.

HB 91, by Representatives Albert C. Smith, Treas, Lovins, Barton, Davis, Chumbler, Lankford, Miles, Earl Carter and Harris: AN ACT relating to the Municipal Acquisition, Ownership and Operation of Utility Facilities and Systems.

HB 92, by Representatives Render and Moorman: AN ACT relating to prohibited marriages.

HB 93, by Representative Osborn: AN ACT relating to rights of newsmen.

HB 94, by Representative Osborn: AN ACT relating to voter's residence.

HB 95, by Representatives Denham, Roberts, Hays, Fields, Peniston and Brizendine: AN ACT relating to revenue and taxation.

HB 96, by Representative Edmunds: AN ACT relating to private corporations.

HB 97, by Representative Buckman: AN ACT relating to members of boards of education.

HB 98, by Representatives Cottengim, Buckman, Miles, Fitzpatrick, Fred S. Morgan, Tucker, Dexter, Bates, Render, Albert C. Smith, Davis, Isler, Ostertag and Murphy: AN ACT relating to employes of fire departments in cities of the second class.

HB 99, by Representative Cottengim: AN ACT relating to wages.

HB 100, by Representatives Neel, Fitzpatrick, Cottengim, Childress, Quinn, Crecelius, Rausch, Wathen, Cook, Murphy, Ford, Moorman, Harris and Fred Morgan: AN ACT relating to the Ohio River bed.

HB 101, by Representatives Cole, Garner, Hahn, Albert C. Smith, Houtchens, Ellis and Irick: AN ACT relating to trading stamp companies.

HR 21, by Representative Ray: A JOINT RESOLUTION providing payment of the per diem and expense allowance due the late "Banjo" Bill Cornett, a member of the General Assembly.

HR 23, by Representative Robinson: A JOINT RESOLUTION relating to price variances on natural gas in Floyd County.

HB 102, by Representative Hinkle: AN ACT relating to deputy circuit court clerks.

HB 103, by Representatives Irick, Ellis and Cole: AN ACT relating to insurance on school children.

HB 104, by Representatives Wood, Brizendine and Denham: AN ACT relating to motor vehicle safety equipment.

HB 105, by Representatives Hahn, Barton, Haley, Lankford, Houtchens, Miles, Fred Morgan, Davis, Render, Slusher, Hardwick, Treas, Faulkner and Hopkins: AN ACT relating to primary elections.

HR 24, by Representatives Garner, Burress, Dobyns, Hall, Summe, Tucker, Hampton, Ray and Ford:

HR 24, A CONCURRENT RESOLUTION requesting and petitioning the United States Department of Agriculture to include Johnson grass control as a cost-sharing practice in county Agricultural Stabilization and Conservation Committee programs in all counties of Kentucky.

WHEREAS, the eradication of Johnson grass will return much land to useful production, resulting in additional income for the farmers of the Commonwealth; and

WHEREAS, the farmers of Caldwell, Fayette, Franklin, Fleming, Henderson, Livingston, Simpson and Union Counties have been greatly benefited by the inclusion of Johnson grass control as a cost-sharing practice in their respective county Agricultural Stabilization and Conservation programs; and

WHEREAS, it is reasonably anticipated that the other counties will likewise benefit;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Department of Agriculture of the United States be and it is requested and petitioned to include Johnson grass control as a cost-sharing practice in county Agricultural Stabilization and Conservation Committee programs in all counties of the Commonwealth of Kentucky.

Section 2. That a copy of this resolution, duly authenticated, be forwarded by the Clerk of the House of Representatives to the Secretary of Agriculture of the United States.

Representative Garner moved to adopt **HR 24.** Agreed.

Report of Committee

Committee on Appropriations reported **HB 7**, with the expression of opinion that the same should pass with committee amendment attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 7, AN ACT relating to jurors' pay.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid eight dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to the summons, who meet the qualifications for jurors set forth in KRS 29.025, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive eight dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Committee on Municipalities #1 reported **HB 35**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 35, AN ACT relating to public offices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.160 of the Kentucky Revised Statutes is amended to read as follows:

Public offices in counties containing a city of any class may close any one work day of any week.

Senate Message

Announcing passage of **HR 7, SR 14, SB 14** and **SB 8.**

Report on Enrolled Resolution

Committee on Enrollment reported that **HR 7** had been examined and found correctly enrolled. **HR 7** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate. Delivered to Governor.

Motions, Petitions, and Communications

The Speaker vacated the Chair, and Representative Rayburn presided.

Representative Denham moved the rules be suspended for the purpose of making a motion. Agreed. Representative Denham moved to adopt **SR 14.** Agreed.

SR 14, A CONCURRENT RESOLUTION honoring the memory of Thomas A. Duke.

WHEREAS, Thomas A. Duke of Maysville is lately deceased, and

WHEREAS, his leadership in agriculture, especially in the fields of tobacco and harness and show horses, has been invaluable to the Commonwealth;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and House of Representatives do this day adjourn they do so in memory of Thomas A. Duke.

. Section 2. That the General Assembly does hereby extend to the family of Thomas A. Duke its profound and deepest sympathy and does commend the members thereof to Almighty God who is forever near to those who trust him for solace.

Section 3. That a copy of the Journals of the Senate and the House of Representatives wherein this resolution is recorded be presented to Mr. Andrew Duke.

The Speaker resumed the Chair.

Representative Henry moved the rules be suspended to make a motion. Agreed. Representative Henry moved that **HB 40** be recommitted. Agreed.

Representative Ray moved that the House adjourn until 9 A.M., January 22. Agreed.

FRIDAY, JANUARY 22, 1960

FIFTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by the Reverend John C. Chenault of the First Christian Church of Frankfort.

The roll was called. All present except Burress, Faulkner, Hislope and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 21 dispensed with and the same approved on motion of Representative Lyon.

Report on Enrolled Resolution

Committee Enrollment reported that **SR 5** had been examined and found correctly enrolled. **SR 5** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Report of Committees

Committee on Kentucky Statutes #3 reported **HB 70, HB 71, HB 68, HB 67, HB 76, HB 69, HB 73, HB 72**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 70, AN ACT relating to commercial transactions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever a statement that is required to identify a financing statement by file number need be filed under the Uniform Commercial Code, the statement shall also identify the financing statement by date filed.

Section 2. Whenever a statement required under the Uniform Commercial Code need be sent to a party to the transaction by the county clerk, it shall be sufficient for the county clerk to send the statement to the party entitled to receive it, at his last known address.

HB 71, AN ACT relating to commercial transactions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) When a secured transaction evidenced by record in the county clerks office has terminated, and there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party shall send to the clerk a statement that he no longer claims a security interest under the financing statement or other instrument, which shall be identified by file

number and date filed. A termination statement signed by a person other than the secured party of record shall include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be $.75. If the actual secured party fails to send such a termination statement within thirty days after he no longer claims a security interest, he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the clerk of such a termination statement he shall note it in the index. He shall remove the terminated instrument from the files, mark it "terminated" and send or deliver it to the secured party.

(3) The uniform fee for filing and indexing a termination statement and for sending or delivering the terminated instrument shall be $.75.

HB 68, AN ACT relating to the duties of county clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 382.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section, each county clerk shall make and keep an alphabetical cross-index of all conveyances recorded in his office, and when a mortgage or deed of trust, or any other conveyance, lease or contract is lodged in his office for record, he shall, at once and before attending to any other business, place the names of the parties to the instrument upon the cross-index in his office, and shall within six days thereafter record the instrument.

(2) Chattel mortgages, financing statements or security agreements shall be filed and recorded in the manner set out in Section 9-403 of the Uniform Commercial Code.

Section 2. Section 382.670 of the Kentucky Revised Statutes is repealed.

Section 3. This Act shall become effective on July 1, 1960.

HB 67, AN ACT relating to clerk's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.010 of the Kentucky Revised Statutes is amended to read as follows:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fee:

For filing, indexing and furnishing filing data for an original or continuation financing statement ______________________$2.00.

For filing and indexing a financing termination statement and sending or delivering the original financing statement______$ .75.

For filing, indexing and furnishing filing data about an assignment of a financing statement ________________________$ .75.

For filing and noting a statement of release of collateral under a financing statement _______________________________$ .75.
(all other fees to be the same as at present.)

HB 76, AN ACT relating to motor vehicle operation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Division of State Police of the Department of Public Safety shall establish a traffic school or schools for the purpose of instructing motor vehicle operators in the motor vehicle traffic laws of the Commonwealth and the method of complying with the laws. Courses of instruction shall be designed to last not less than one week nor more than three months on the basis of three nights attendance each week. The establishment and operation may be in cooperation with the police department of any county or city.

Section 2. Any violation of the provisions of KRS Chapter 189 relating to traffic regulation or vehicle equipment except violation of KRS 189.520, may, at the option of the offender, be punished by attendance at a traffic school established by this Act for such period of time as the judge determines within the limits provided for the courses of instruction, instead of the penalty imposed by statutes for such violation.

Section 3. A bond with sufficient sureties of not less than five hundred dollars nor more than one thousand dollars shall be filed with the court to insure attendance at the school.

HB 69, AN ACT relating to security interests in motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The lien instrument referred to in KRS 186.020 186.030, 186.040, and 186.195 shall be filed in the same manner as financing statements are required to be filed by the Uniform Commercial Code.

Section 2. Section 186.195 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the owner of a motor vehicle, properly registered in this state, executes a lien thereon, he shall deliver the registration

receipt to the secured party. The secured party shall, within ten days thereafter, present such receipt, together with the lien instrument and proper fees, to the county clerk of the county in which the motor vehicle is registered for recording.

(2) The county clerk shall, within five days, mail the registration receipt with the lien recorded thereon to the owner, and shall also record the lien on the copy of the registration receipt on file in the county clerk's office.

(3) (a) When the security interest is assigned or discharged pursuant to the law, the owner shall present the registration receipt to the secured party who shall record thereon in language prescribed by the department that the lien has been assigned or discharged. The recording shall show the date thereof and shall be signed by the secured party of his authorized agent and acknowledge before an officer authorized to administer an oath.

(b) The secured party shall file a statement of assignment or termination which statements shall be governed by the provisions of Sections 9-404 and 9-405 of the Uniform Commercial Code and any other applicable provision of law, and which must be filed within thirty days of the assignments or discharge of the security interest.

(c) When a discharge or assignment has been recorded on the owner's registration receipt, the owner may present the registration receipt to the county clerk who shall record the information on the copy of the receipt which contains the lien information on file in the county clerk's office, for which services the owner shall pay the clerk a fee of twenty-five cents.

(4) For failure to present the registration receipt and record the lien instrument within the time prescribed, the secured party shall pay a penalty of two dollars to the county clerk as a prerequisite for recording the lien information on the registration receipt. The penalty, less the county clerk's commission of five percent, shall be remitted to the department.

(5) No lien executed prior to January 1, 1960, shall be recorded on the registration receipt issued by the county clerk.

Section 3. This Act shall become effective on July 1, 1960.

HB 73, AN ACT relating to commercial transactions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If the property intended as collateral is consumer goods as defined in Section 9-109 (1) of the Uniform Commercial Code of the consumer debtor at the time the financing statement required by Section 9-402 of the Code is filed, and if the property is an automobile, motor truck or other property normally carrying a serial number, the following information shall also be given:

(1) If the property is an automobile or motor truck, the make, model year model and motor number or identification number shall be given;

(2) For other property, the item and its serial number shall be given.

Section 2. If at the time the financing statement required by Section 9-402 of the Uniform Commercial Code is filed there is an indebtedness of two hundred dollars or more, that fact shall be stated.

HB 72, AN ACT relating to taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 142.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following taxes shall be paid:

(a) A tax of four dollars on each verdict of a petit jury in civil cases in circuit court.

(b) A tax of three dollars and fifty cents on each marriage license.

(c) A tax of two dollars and fifty cents for each survey consisting of ten acres or less, and of five dollars for each survey in excess of ten acres, on the filing and registering of a plat and certificate of survey and issuing and recording patent thereon, to consist of one charge which shall be paid before the survey is filed, but not to apply to a survey heretofore filed in the register's office.

(d) A tax of one dollar on each Power of Attorney to convey real or personal property; on each mortgage, financing statement, security agreement or conveyance of real or personal property, and on each lien or conveyance of coal, oil, gas or other mineral right or privilege; except that no tax shall be paid on any chattel mortgage, financing statement or security agreement unless the amount thereof exceeds two hundred dollars.

(e) A tax of one dollar for issuing a land warrant.

(f) A tax of one dollar for each official certificate with seal of office affixed.

(g) A tax of fifty cents on the seal of a court required by law to keep a seal, except for the purpose of issuing a license authorized by the state.

(h) A tax of fifty cents for a copy of a plat; for a copy of a course and distances of a patent or survey; and for a copy of an entry or land warrant.

(i) A tax of twenty-five cents for filing a caveat; for filing a copy of a judgment of a court in a case of a caveat, mandamus or other proceeding affecting the land office or the duties of the Secretary of State with respect thereto; and for a copy of an assignment.

(j) A tax of two cents for each twenty words of a copy of a caveat or a copy of any writing not specifically provided for.

(2) The tax imposed by this section shall be due and payable when the process or instrument is filed or issued, or copies thereof furnished. This section shall not be construed to require any tax upon a deed of release of a lien retained in a deed or mortgage.

Committee on Revenue and Taxation reported that **HB 75**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 75, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I

A new chapter of the Kentucky Revised Statutes is hereby created to read as follows:

Section 1. (1) This Article is known and may be cited as the "Veterans' Bonus Sales and Use Tax Law."

(2) Any and all amounts derived from the levy and collection of the taxes levied by Article I of this Act shall be appropriated and used as follows:

(a) Upon issuance and sale from time to time of bonds providing funds for purposes of paying the bonus to veterans as proposed by the General Assembly under Chapter 48, 1958 Kentucky Acts, and ratified by the electorate on November 3, 1959, there shall first be set aside out of each month's receipts such proportionate part of the next maturing principal of, and interest on, all such bonds as may then be outstanding as will provide for the payment of principal and interest when due.

(b) Monthly receipts in excess of the amounts necessary to make such provisions for the payment of the principal of and interest on all such outstanding bonds shall to the extent of such excess be appropriated for general fund purposes, except for amounts of taxes herein levied and collected upon the sale or use of motor vehicles.

Section 2. Except where the context otherwise requires, the definitions given in Sections 3 through 19 govern the construction of this Chapter.

Section 3. "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

Section 4. (1) "Gross receipts" means the total amount of the sale, lease or rental price, as the case may be, of "retail sales," or "sales at retail," valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the department may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property prior to its sale to the purchaser.

(2) The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

(3) "Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales provided that premium or trading stamps shall not be considered as cash discounts.

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) Sales of gasoline and special fuels subjected to tax under Kentucky Revised Statutes, Chapter 138.

(f) The sales price of any motor vehicle which has never been registered in Kentucky.

(4) For purposes of the sales tax, if the retailer establishes to the satisfaction of the department that the sales tax has been added to the total amount of the sale price and has not been absorbed by the retailer, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Section 5. "In this state" or "in the state" means within the exterior limits of the Commonwealth of Kentucky and includes all territory within these limits owned by or ceded to the United States of America.

Section 6. (1) "Occasional sale" includes:

(a) A sale of property not held or used by a seller in the course of an activity for which he is required to hold a seller's permit, provided such sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

(b) Any transfer of all or substantially all the property held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.

(2) For the purposes of this section, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

Section 7. "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit.

Section 8. "Purchase" means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration, including:

(a) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(b) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

Section 9. (1) "Retail sale" or "sale at retail" means:

(a) A sale for any purpose other than resale in the regular course of business of tangible personal property, or

(b) The sales and charges mentioned in subsection (2) of this section.

(c) The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a customer, pursuant to a retail sale made by a retailer not engaged in business in this state. The person making the delivery shall include the retail selling price of the property in his gross receipts.

(2) "Retail sale" or "sale at retail" shall include but shall not be limited to the following:

(a) The sale or charges for any room or rooms, lodgings, or accomodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply, however, to rooms, lodgings, or accommodations supplied for a continuous period of ninety days or more to an individual.

(b) Sewerage charges and charges for intrastate telephonic and telegraphic communications and services.

(c) Admission charges, except, those taxed under KRS 138.480.

Section 10. (1) "Retailer" includes:

(a) Every seller who makes any "retail sale" or "sales at retail," and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making more than two retail sales during any twelve month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

(d) Any person conducting a race meeting under the provision of Kentucky Revised Statutes, Chapter 230, with respect to horses which are claimed during such meeting.

(2) When the department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

Section 11. (1) "Sale" means any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration, and includes:

(a) The producing, fabricating, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish, either directly or indirectly, the materials used in the producing, fabricating, processing, printing or imprinting.

(b) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(c) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated or printed to the special order of the customer.

(2) "Transfer of possession," "lease," or "rental" includes only transactions found by the department to be in lieu of a transfer of title, exchange or barter.

Section 12. (1) "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

(2) The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

(3) "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales (excluding trading or premium stamps).

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

Section 13. "Seller" includes every person engaged in the business of selling tangible personal property or services of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.

Section 14. "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

Section 15. "Storage" and "use" do not include the keeping, retaining or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

Section 16. "Tangible personal property" means personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses and includes natural, artificial and mixed gas, electricity and water.

Section 17. "Department" means the Kentucky Department of Revenue.

Section 18. "Taxpayer" means any person liable for tax under this Article.

Section 19. "Use" includes the exercise of any right or power over tangible personal property incident to the ownership of that property, except that it does not include the sale of that property in the regular course of business.

Section 20. For the privilege of making "retail sales" or "sales at retail," a tax is hereby imposed upon all retailers at the rate of three percent of the gross receipts of any retailer derived from "retail sales" or "sales at retail" made within this state after June 30, 1960.

Section 21. The tax hereby imposed shall be collected by the retailer from the consumer insofar as it can be done.

Section 22. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax levied by Section 20 of this Article or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded.

Section 23. The department may by regulation provide that the amount collected by the retailer from the consumer in reimbursement of the tax be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check or other proof of sale.

Section 24. (1) Every person presently engaged or desiring to engage in or conduct business as a seller within this state shall file with the department an application for a permit for each place of business.

(2) Every application for a permit shall:

(a) Be made upon a form prescribed by the department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth such other information as the department may require.

(3) The application shall be signed by the owner if he is a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

Section 25. After compliance with Sections 24 and 63 by the applicant, the department shall grant and issue to each applicant a separate permit for each place of business within the state. A permit shall not be assignable, and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

Section 26. For the purpose of the proper administration of this Article and to prevent evasion of the sales tax it shall be presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a "retail sale" or "sale at retail" is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

Section 27. The certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling tangible personal property and who holds the permit provided for in Section 25 of this Article, and who, at the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Section 28. (1) The certificate shall:

(a) Be signed by and bear the name and address of the purchaser.

(b) Indicate the number of the permit issued to the purchaser.

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

(2) The certificate shall be substantially in such form as the department may prescribe.

Section 29. If a purchaser who gives a certificate makes any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business, the use shall be taxable to the purchaser as of the time the property is first used by him, and the sales price of the property to him shall be deemed the measure of the tax. Only when there is an unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser. If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

Section 30. If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

Section 31. An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1960, for storage, use or other consumption in this state at the rate of three percent of the sales price of the property.

Section 32. Every person storing, using or otherwise consuming in this state tangible personal property purchased from a retailer is liable for the use tax levied under Section 31 of this Article. His liability is not extinguished until the tax has been paid to this state, except that a receipt from a retailer engaged in business in this state or from a retailer who is authorized by the department, under such rules and regulations as it may prescribe, to collect the tax and who is, for the purposes of this Article relating to the use tax, regarded as a retailer engaged in business in this state, given to the purchaser pursuant to Section 33 of this Article is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

Section 33. (1) Except as provided in Sections 46 and 47, every retailer engaged in business in this state and making sales of tangible personal property for storage, use or other consumption in this state, shall, at the time of making the sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax levied under Section 31 of this Article from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the department.

(2) "Retailer engaged in business in this State" as used in this Article includes any of the following:

(a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property.

Section 34. A retailer is relieved from liability to collect use tax which shall become due and payable subsequent to June 30, 1960, insofar as the measure of the tax is represented by accounts which have been found to be worthless and charged off for income tax purposes. If the retailer has previously paid the amount of the tax, he may, under rules and regulations prescribed by the department, takes as a deduction the amount found worthless and charged off for income tax purposes. If any such accounts are thereafter in whole or in part collected by the retailer, the amount so collected shall be included in the first return filed after such collection and the amount of the tax thereon paid with the return.

Section 35. The tax or any part thereof required by Section 33 of this Article, to be collected by the retailer constitutes a debt owed by the retailer to this state.

Section 36. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof required to be collected by the retailer under Section 33 of this Article will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded.

Section 37. The tax required to be collected by the retailer under Section 33 of this Article from the purchaser shall be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check or other proof of sales.

Section 38. Every retailer selling tangible personal property for storage, use or other consumption in this state shall register with the department and give:

(1) The name and address of all agents operating in this state.

(2) The location of all distribution or sales houses or offices or other places of business in this state.

(3) Such other information as the department may require.

Section 39. For the purpose of the proper administration of this Article and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

Section 40. The certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who is engaged in the business of selling tangible personal property and who holds the permit provided for by Section 24 of this Article, and who, at the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Section 41. (1) The certificate shall:

(a) Be signed and bear the name and address of the purchaser.

(b) Indicate the number of the permit issued to the purchaser.

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

(2) The certificate shall be substantially in such form as the department may prescribe.

Section 42. If a purchaser who gives a certificate makes any storage or use of the property other than retention, demonstration or display while holding it for sale in the regular course of buisness, the storage or use is taxable as of the time the property is first so stored or used. If the sole use of the property, other than retention, demonstration or display in the regular course of business, is the rental of the property while holding it for sale, the purchaser may elect to pay the tax on the use measured by the amount of the rental charged rather than the sales price of the property to him.

Section 43. If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

Section 44. It shall be presumed that tangible personal property shipped or brought to this state by the purchaser after June 30, 1960, was purchased from a retailer on or after July 1, 1960, for storage, use or other consumption in this state.

Section 45. (1) On and after July 1, 1960, it shall be further presumed that tangible personal property delivered outside this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use or other consumption in this state and stored, used or otherwise consumed in this state.

(2) This presumption may be controverted by:

(a) A statement in writing, signed by the purchaser or his representative, and retained by the vendor, that the property was purchased for use at a designated point or points outside this state.

(b) Other evidence satisfactory to the department that the property was not purchased for storage, use or other consumption in this state.

Section 46. There are excluded from the computation of the amount of taxes imposed by this Article:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage, use or other consumption of which, this state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "non-returnable containers."

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a contract on public works executed prior to July 1, 1960.

(4) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a written contract entered into prior to the time that this Act becomes a law.

(5) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale.

(6) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and

the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

Section 47. Notwithstanding any other provision of law the tax imposed under this Article shall apply to the gross receipts from the sale of any tangible personal property to contractors purchasing such property either as the agents of the United States or for their own account and subsequent resale to the United States for use in the performance of contracts with the United States for the construction of improvement on or to real property, not including, however, contractors qualified to issue and who do issue resale certificates to vendors for tangible personal property for subsequent incorporation into real property outside the exterior limits of Kentucky in the performance of a contract to improve the out-of-state realty.

Section 48. (1) The storage, use or other consumption in this state of property, the gross receipts from the sale of which are required to be included in the measure of the tax levied under Section 20 of this Article is not subject to the use tax.

(2) The storage, use, or other consumption in this state of gasoline or special fuels on which the tax under Kentucky Revised Statutes, Chapter 138, has been paid and which is not subject to refund under KRS 138.341, KRS 138.344, KRS 279.200, or KRS 279.530 shall not be subject to the use tax.

Section 49. If a purchaser certifies in writing to a seller that the property purchased will be used in a manner or for a purpose entitling the seller to exclude from the computation of the sales tax the gross receipts from the sale and uses the property in some other manner or for some other purpose, the purchaser shall be liable for payment of sales tax as if he were a retailer making a retail sale of the property at the time of such use, and the cost of the property to him shall be deemed the gross receipts from such retail sale.

Section 50. The taxes imposed by this Article are due and payable to the department monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month.

Section 51. (1) On or before the twentieth day of the month following each calendar month, a return for the preceding month shall be filed with the department in such form as the department may prescribe.

(2) For purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer engaged in business in the state and by every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax.

(3) Returns shall be signed by the person required to file the return or by his duly authorized agent but need not be verified by oath.

(4) Persons not regularly engaged in selling at retail and not having a permanent place of business, but who are temporarily engaged in selling from trucks, portable roadside stands, concessionaires at fairs, circuses, carnivals, and the like, shall report and remit the tax on a non-permit basis, under such rules as the department shall provide for the efficient collection of the sales tax on such sales.

Section 52. (1) For the purposes of the sales tax, the return shall show the gross receipts of the seller during the preceding reporting period. For purposes of the use tax, in case of a return filed by a retailer, the return shall show the total sales price of the property sold by him, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

(2) In case of a return filed by a purchaser, the return shall show the total sales price of the property purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period.

(3) The return shall also show the amount of the taxes for the period covered by the return and such other information as the department deems necessary for the proper administration of this Article.

(4) Each taxpayer shall annually file a return with the department, on a form prescribed by the department, which shall include a statement of gross receipts as shown by taxpayer's federal income tax return for the last calendar year, or, if the taxpayer files his federal income tax return on a fiscal year basis, then the true copy shall be for the last completed fiscal year of the taxpayer. If the total receipts of the business as reported in the federal income tax return do not agree with the gross sales reported to the department for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the two amounts and the reasons for the difference: Provided, however, The foregoing portion of this section shall not be applicable to a corporation authorized as a corporation to do business in each of two or more states. As a part of such annual return, the taxpayer shall include an accurate statement of the cost of goods withdrawn from his merchandise inventory for personal use or consumption of the taxpayer, his family or employes, or used for payment or consideration in any contract or obligation of the taxpayer; also, the name and address of any certified public accountant, public accountant, accountant, bookkeeper or person engaged in any multiple bookkeeping service other than regular full time employes of the taxpayer, who made any entries in the books or records of the taxpayer or assisted, directed, counseled, or advised in the making of

any books, records, or tax returns in connection with the business covered by such annual return. The department may require such additional information, including the number of paid employes and members of the taxpayer's family working without compensation, as it deems would be helpful in determining the accuracy of the monthly returns filed in accordance with this Article. Said annual return shall be filed within thirty days of the date set for the filing of the taxpayer's federal income tax return, and shall be signed by the taxpayer. If such annual return is prepared for the taxpayer by any other person, the return shall so state, giving the name and address of such person and be signed by such person, and giving the name of his employer, if any.

Section 53. The taxpayer shall deduct and withhold from the taxes otherwise due from him two percent thereof to reimburse himself for the cost of collecting and remitting the tax.

Section 54. The person required to file the return shall deliver the return together with a remittance of the amount of the tax due to the department.

Section 55. For purposes of facilitating the administration, payment, or collection of the taxes levied by this Article, the department may, within its discretion, permit or require returns or tax payments for periods other than those prescribed by Sections 50 and 51.

Section 56. For the purposes of the sales tax, gross receipts from rentals or leases of tangible personal property shall be reported and the tax paid in accordance with such rules and regulations as the department may prescribe.

Section 57. If deemed necessary to insure the collection of the taxes, the department may provide by rule and regulation for the collection of the taxes from permit holders, non-permit holders, or both, by the affixing and canceling of revenue stamps and may prescribe the form and method of the affixing and canceling.

Section 58. (1) The department shall upon written request received on or prior to the due date of the return or tax, for good cause satisfactory to the department, extend the time for filing the return or paying the tax for a period not exceeding thirty days.

(2) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in additon to the tax, interest at the rate of six percent per annum from the date on which the tax would otherwise have been due.

Section 59. (1) As soon as practicable after each return is received, the department shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time. A notice of such assessment shall be mailed to the taxpayer. The time herein provided may be extended by agreement between the taxpayer and the department.

(2) For the purpose of subsection (1) of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

(3) When a business is discontinued, a determination may be made at any time thereafter within the periods specified in subsection (1) of this section as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this Article.

Section 60. The amount of the excess, exclusive of penalties, shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the last day of the month following the reporting period for which the amount or any portion thereof should have been remitted until the date of payment.

Section 61. In making a determination the department may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments.

Section 62. In every case, any tax not paid on or before the due date, except as otherwise provided in this Article, shall bear interest at the rate of six percent per annum from the date due until the date of payment.

Section 63. (1) Whenever it is deemed necessary to insure compliance with this Article, the department may require any person subject thereto to place with it such security as the department may determine. The amount of the security shall be fixed by the department but, except as noted below, shall not be greater than twice the estimated average liability of persons filing returns for quarterly periods or three times the estimated average liability of persons required to file returns for monthly periods, determined in such manner as the department deems proper, or $10,000, whichever amount is the lesser.

(2) In case of persons habitually delinquent in their obligations under this Article, the amount of the security shall not be greater than three times the average liability of persons filing returns for quar-

terly periods or five times the average liability of persons required to file returns for monthly periods, or $10,000, whichever amount is the lesser.

(3) The limitations herein provided apply regardless of the type of security placed with the department.

(4) The amount of the security may be increased or decreased by the department subject to the limitations herein provided.

(5) The department may sell the security at public auction if it becomes necessary so to do in order to recover any tax, interest, or penalty due. Security in the form of a bearer bond issued by the United States or any state or local governmental unit which has a prevailing market price may, however, be sold by the department at a private sale at a price not lower than the prevailing market price thereof.

The department shall give notice of the date, time, and place of the sale to the person who placed the security by certified mail addressed to him at his last known address as it appears in the records of the department, or delivery to such person.

Delivery means handing it to such person or leaving it at his place of business with the person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the place of business is closed or the person to be served has no place of business, leaving it at his dwelling house with some person of suitable age and discretion residing therein. Said notice, if by certified mail, shall be postmarked no later than ten days prior to said sale; if by delivery, said notice shall be given no later than ten days prior to said sale.

(6) Upon any sale any surplus above the amounts due shall be returned to the person who placed the security.

Section 64. If any retailer liable for any amount under this Article sells out his business or stock of goods, or otherwise quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the department showing that it has been paid or a certificate stating that no amount is due.

Section 65. (1) If the purchaser of a business or stock of goods fails to withhold the purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within sixty days after receiving a written request from the purchaser for a certificate, or within sixty days from the date the former owner's records are made available for audit, whichever period expires the later, but in any event not later than ninety days after receiving the request, the department shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the department of the amount that must be paid as a condition of issuing the certificate.

(2) Failure of the department to mail the notice will release the purchaser from any further obligation to withhold the purchase price as above provided.

(3) The time within which the obligation of a successor may be enforced shall start to run at the time the retailer sells out his business or stock of goods or at the time that the determination against the retailer becomes final, whichever event occurs the later.

Section 66. No credit or refund of any amount paid pursuant to the provisions of this Article shall be allowed on the ground that the storage, use or other consumption of the property is not subject to the tax levied under this Article, unless the person who paid the amount reimburses his vendor for the amount of the sales tax imposed upon his vendor with respect to the sale of the property and paid by the vendor to the state.

Section 67. The department may, in its discretion, upon application authorize the collection of the tax imposed herein by any retailer not engaged in business within this state, who, to the satisfaction of the department furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued a permit to collect such tax in such manner, and subject to such regulations and agreements as the department shall prescribe. When so authorized, it shall be the duty of such retailer to collect the tax upon all tangible personal property sold to his knowledge for use within this state, in the same manner and subject to the same requirements as a retailer engaged in business within this state.

Section 68. The department shall administer the provisions of this Article and shall have all of the powers, rights, duties, and authority with respect to the assessment, collection, refunding, and administration of the taxes levied by this Article conferred generally upon the department by the Kentucky Revised Statutes including Chapters 131, 134, and 135.

Section 69. (1) Every seller, every retailer, and every person storing, using and otherwise consuming in this state tangible personal property purchased from a retailer shall keep such records, receipts, invoices, and other pertinent papers in such form as the department may require.

(2) Every such seller, retailer, or person who files the returns required under this Article shall keep such records for not less than five years from the making of such records unless the department in writing sooner authorizes their destruction.

(3) Every such seller, retailer, or person who fails to file the returns required under this Article shall keep such records for not less than ten years from the making of such records unless the department in writing sooner authorizes their destruction.

Section 70. In the administration of the use tax, the department may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the tax. The report shall be filed at the time specified by the department and shall contain such information as the department may require.

Section 71. (1) No judgment shall be entered and no garnishment or attachment shall be permitted by any court in this Commonwealth in an action for the collection of a debt arising out of the sale of tangible personal property unless an affidavit containing a certificate of service is executed by the plaintiff to the effect that all use taxes due the Commonwealth have been paid. The retailer's permit number, if any, shall be listed in the affidavit.

(2) Prior to the filing of the affidavit, required under subsection (1) of this section, the plaintiff (including counter-claimants or cross-claimants) shall, by first-class mail, serve upon the department a copy of the affidavit. Within fifteen days from the date of the filing of the affidavit the department may file a counter-affidavit. In such event no judgment shall be entered or garnishment or attachment issued until proof has been taken concerning the matters at issue in the affidavit and counter-affidavit.

(3) In the event the use tax levied by this Article is found to be due and unpaid the plaintiff may elect to pay the tax to the department, and the amount of the tax paid by the plaintiff shall be recovered as a part of any judgment entered. If the plaintiff does not elect to pay the use tax found to be due and unpaid, judgment for the amount of the tax shall be awarded to the Commonwealth.

(4) Any judgment awarded to the Commonwealth under this section shall constitute a prior claim to any judgment obtained by the plaintiff.

(5) Tax as defined herein includes interest accrued thereon at the rate of six percent per annum.

Section 72. The tax levied by Section 31 of this Article shall not apply in respect to the storage, use or other consumtion of tangible personal property in this state upon which a tax substantially identical to the tax levied under Section 20 of this Article (not including any special excise taxes such as are imposed on alcoholic beverages, cigarettes and the like) equal to or greater than the amount of tax imposed by Section 31 of this Article has been paid in another state. Proof of payment of such tax shall be according to rules and regulations of the department. If the amount of tax paid in another state is not equal to or greater than the amount of tax imposed by Section 31 of this Article, then the taxpayer shall pay to the department an amount sufficient to make the tax paid in the other state and in this state equal to the amount imposed by Section 31 of this Article. No credit shall be given under this section for sales taxes paid in another state if that state does not grant credit for sales taxes in this state.

Section 73. Persons regularly engaged in the transportation of tangible personal property from retail outlets located outside this state and making local deliveries of such property to the personal or business residences of purchasers for storage, use or other consumption in this state, shall collect the use tax imposed by this Article. This section shall not apply to any deliveries of tangible personal property purchased from a vendor who holds a retailer's permit issued by the department pursuant to this Article, or to the delivery of tangible personal property to a purchaser who certifies in writing, in such form as the department may prescribe, that the tax imposed by Section 31 has been paid or is not applicable. Such certifications shall be kept and be available to the department for a period not less than two years. The tax shall be remitted and reports filed in the same manner and at the times required of retailers engaged in business in this state.

Section 74. (1) Whenever any person fails to comply with any provisions of this Article or any rule or regulation of the department relating to the provisions of this Article, the department may revoke or suspend any one or more of the permits held by the person.

(2) Any such order revoking or suspending a permit or permits shall be subject to review in the manner provided in KRS 131.110 (2), 131.120, and 131.125.

(3) The department shall not issue a new permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of this Article and the regulations relating thereto.

(4) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this Article, or to restrain or enjoin the suspension or revocation of any permit.

Section 75. If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the tax liability under this Article from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of ten percent of the amount of the tax assessed. This penalty shall be in addition to all other applicable penalties in this Article.

Section 76. If any taxpayer fails to make and file a return required by this Article on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

Section 77. If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this Article shall apply.

Section 78. If the tax imposed by this Article, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

Section 79. Any person required under the provisions of this Article or regulations adopted thereunder to furnish a statement or certificate (including the certificate referred to in Section 73 of this Article), who furnishes a statement or certificate containing any false or fraudulent statement, or who wilfully fails to furnish such a statement or certificate in the manner and at the time required under this Article and regulations, shall, for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

Section 80. Any person who gives a resale certificate for property, knowing at the time of purchase that such property is not to be resold by him in the regular course of business, for the purpose of evading the tax imposed under this Article shall, upon conviction, be subject to a fine of not less than ten nor more than one hundred dollars or imprisoned in jail for a period not exceeding thirty days, or both such fine or imprisonment.

Section 81. A person who engages in business as a seller in this state without a permit or permits as required by this Article or after a permit has been suspended, and each officer of any corporation which so engaged in business, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, or imprisoned for not more than thirty days, or both such fine or imprisonment.

Section 82. Any person who violates any of the provisions of Sections 22, 36, 37, 67, or 73 of this Article shall, upon conviction, be subject to a fine of not less than ten nor more than one hundred dollars, or imprisoned in jail for a period not exceeding thirty days, or both such fine or imprisonment.

Section 83. Any person who violates any of the regulations promulgated by the department under Section 23 of this Article shall, upon conviction, be subject to a fine or not less than ten nor more than one hundred dollars or imprisoned in jail for a period not exceeding thirty days, or both such fine or imprisonment.

Section 84. Unless otherwise expressly provided in this Article, the exemptions provided for in any section, or sections, of the Kentucky Revised Statutes shall not be applicable with respect to the taxes levied by this Article, and to the extent such section, or sections, are inconsistent herewith, the same are hereby repealed.

Section 85. The taxes imposed by this Article shall be in addition to any excise, license, privilege or other tax imposed under existing provisions of the Kentucky Revised Statutes, as amended by this Act.

ARTICLE II

Section 1. All revenue derived from taxes imposed by Article I with respect to the sale or use of motor vehicles that are propelled by other than muscular power and that are used for transportation of persons or property over the public highways of the state shall be appropriated in accordance with the provisions of Section 230 of the Kentucky Constitution, KRS 177.595 and the Veterans' Bonus Amendment to the Kentucky Constitution.

Section 2. Section 138.470 of the Kentucky Revised Statutes is amended to read as follows:

There is expressly exempted from the tax imposed by KRS 138.460:

(1) Motor vehicles sold to the United States or to the Commonwealth of Kentucky.

(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period.

ARTICLE III

Section 1. Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue.

(2) "Department" means the Department of Revenue.

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 1956.

(4) "Dependent" means those persons defined as dependents under Section 152 of the Internal Revenue Code.

(5) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator or any person acting in any fiduciary capacity for any person, estate or trust.

(6) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(7) "Individual" means a natural person.

(8) "Federal income tax" means income tax paid or accrued to the United States Government on income subject to assessment and taxation under the provisions of this chapter.

(9) "Net income," in the case of taxpayers other than corporations, means "taxable income" as defined in Section 63 (a) of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stocks of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Exclude the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof.

(f) Include refunds of Federal income tax.

(g) Exclude any deduction for state taxes measured by net income.

(h) Exclude any deductions for amounts allowable under KRS 140.090 (h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been allowed under KRS 140.090 (h).

(i) Exclude the deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof.

Provided that partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed.

If the taxpayer elects to deduct the standard deduction set forth in KRS 141.081, then "net income" means adjusted gross income less the standard deduction.

(1) "Net income," in the case of corporations, means "taxable income" as defined in Section 63 (a) of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stocks of banks and trust companies organized under the laws of this state.

(c) Include Federal income tax refunds.

(d) Include interest income derived from obligations of sister states and political subdivisions thereof.

(e) Exclude any deduction for state taxes measured by net income.

(f) Exclude the "net operating loss deduction."

(g) Exclude the special deductions, which relate to dividends and interest, allowable under Section 241 to 247, inclusive, of the Internal Revenue Code.

(11) "Taxable net income," in the case of corporations, means "net income" derived from business done, property located, activities or sources in this state less "Federal income tax."

(12) "Adjusted gross income" means the same as adjusted gross income defined in Section 62 of the Internal Revenue Code, adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stocks of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Exclude the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof.

(f) Include refunds of Federal income tax.

Provided that partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed in determining "adjusted gross income."

(13) "Person" means and includes an individual, a fiduciary, a partnership, an employer, an employe and a corporation.

(14) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made.

(15) "Net operating loss deduction" means the deduction allowed under Section 172 of the Internal Revenue Code.

(16) "Resident" means any individual domiciled within this state.

(17) "Nonresident" means any individual not a resident of this state.

(18) "Employer" means "employer" as defined in Section 3401 (d) of the Internal Revenue Code.

(19) "Employe" means "employee" as defined in Section 3401 (c) of the Internal Revenue Code.

(20) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

(21) "Wages" means "wages" as defined in Section 3401 (a) of the Internal Revenue Code.

(22) "Payroll period" means a period for which a payment of wages is ordinarily made to the employe by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, quarterly, semiannual, or annual payroll period.

(23) For the purpose of determining the maximum limitations of medical and dental expense deduction:

(a) "Head of household" means head of household as defined in Section 1 (b) (2) of the Internal Revenue Code.

(b) "Surviving spouse" means "surviving spouse" as defined in Section 2 (b) of the Internal Revenue Code.

(24) "Corporations" includes associations and joint stock companies.

(25) "Gross Income" means "gross income" as defined in Section 61 of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stocks of banks and trust companies organized under the laws of this state.

(c) Include interest income derived from obligations of sister states or political subdivisions thereof.

(d) Include refunds of Federal income tax.

Partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed.

Section 2. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) With respect to taxable years beginning after December 31, 1960, an annual tax shall be paid for each taxable year by every resi-

dent individual of this state upon his entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) to net income and substracting allowable tax credits provided in subsection (3).

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at the annual tax:

(a) Twenty dollars for an unmarried individual;

(b) Twenty dollars for a married individual filing a separate return and an additional twenty dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or forty dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code;

(c) Twenty dollars credit for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars, or who is a child, as defined in Section 151 (e) (3) of the Internal Revenue Code, of the taxpayer and who (1) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (2) is a student. No exemption shall be allowed for any dependent who has made a joint return with his spouse;

(d) An additional twenty dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year;

(e) An additional twenty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(f) An additional twenty dollars credit if the taxpayer is blind at the close of the taxable year;

(g) An additional twenty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income;

(i) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars;

(j) In the case of an estate, the allowable tax credit shall be twenty dollars.

(4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed non-taxable by this state.

(5) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the annual tax imposed by KRS 141.025 in lieu of the tax levied under this section.

Section 3. Section 141.025 of the Kentucky Revised Statutes is amended to read as follows:

With respect to taxable years beginning after December 31, 1960, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed eight thousand dollars may elect to compute his annual tax under this section. This annual tax shall be determined by deducting the tax credits authorized by KRS 141.020 (3) from the amount indicated by the following table to arrive at the annual tax:

OPTIONAL TABLE

If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be	If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be
$ 0	$ 50	$ .45	$2,900	2,950	52.65
50	100	1.35	2,950	3,000	53.55
100	150	2.25	3,000	3,050	54.45
150	200	3.15	3,050	3,100	55.35
200	250	4.05	3,100	3,150	56.25
250	300	4.95	3,150	3,200	57.15
300	350	5.85	3,200	3,250	58.05
350	400	6.75	3,250	3,300	58.95
400	450	7.65	3,300	3,350	59.85
450	500	8.55	3,350	3,400	61.13
500	550	9.45	3,400	3,450	62.48
550	600	10.35	3,450	3,500	63.83
600	650	11.25	3,500	3,550	65.18
650	700	12.15	3,550	3,600	66.53
700	750	13.05	3,600	3,650	67.88
750	800	13.95	3,650	3,700	69.23
800	850	14.85	3,700	3,750	70.58
850	900	15.75	3,750	3,800	71.93
900	950	16.65	3,800	3,850	73.28
950	1,000	17.55	3,850	3,900	74.63
1,000	1,050	18.45	3,900	3,950	75.98
1,050	1,100	19.35	3,950	4,000	77.33
1,100	1,150	20.25	4,000	4,050	78.68
1,150	1,200	21.15	4,050	4,100	80.03
1,200	1,250	22.05	4,100	4,150	81.38
1,250	1,300	22.95	4,150	4,200	82.72
1,300	1,350	23.85	4,200	4,250	84.08
1,350	1,400	24.75	4,250	4,300	85.43
1,400	1,450	25.65	4,300	4,350	86.78
1,450	1,500	26.55	4,350	4,400	88.13
1,500	1,550	27.45	4,400	4,450	89.48
1,550	1,600	28.35	4,450	4,500	91.10
1,600	1,650	29.25	4,500	4,550	92.90
1,650	1,700	30.15	4,550	4,600	94.70
1,700	1,750	31.05	4.600	4.650	96.50
1,750	1,800	31.95	4,650	4,700	98.30
1,800	1,850	32.85	4.700	4.750	100.10
1,850	1,900	33.75	4,750	4.800	101.90
1,900	1,950	34.65	4,800	4,850	103.70

If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be	If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be
1,950	2,000	35.55	4,850	4,900	105.50
2,000	2,050	36.45	4,900	4,950	107.30
2,050	2,100	37.35	4,950	5,000	109.10
2,100	2,150	38.25	5,000	5,050	111.00
2,150	2,200	39.15	5,050	5,100	113.00
2,200	2,250	40.05	5,100	5,150	115.00
2,250	2,300	40.95	5,150	5,200	117.00
2,300	2,350	41.85	5,200	5,250	119.00
2,350	2,400	42.75	5,250	5,300	121.00
2,400	2,450	43.65	5,300	5,350	123.00
2,450	2,500	44.55	5,350	5,400	125.00
2,500	2,550	45.45	5,400	5,450	127.00
2,550	2,600	46.35	5,450	5,500	129.00
2,600	2,650	47.25	5,500	8,000	130.00 plus 5% of excess of $5,500
2,650	2,700	48.15			
2,700	2,750	49.05			
2,750	2,800	49.95			
2,800	2,850	50.85			
2,850	2,900	51.75			

Section 4. Section 141.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an individual who is a resident of this state has become liable for income tax to another state upon all or any part of his net income for the taxable year, derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited on his return with the income tax so paid by him to the other state, upon his producing to the proper assessing officer satisfactory evidence of the fact of such payment, except that application of such credits shall not operate to reduce the tax payable under this chapter to an amount less than would have been payable were the income from the other state ignored. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of the other state, under which the income in question is subject to tax assessment, provide for a credit to the taxpayer substantially similar to that granted by subsection (2).

(2) Whenever an individual not a resident of this state has become liable for income tax to the state where he resides upon his net income for the taxable year, derived from sources within this state and subject to taxation under this chapter, the amount of income

tax payable by him under this chapter shall be credited with the proportion of the tax so payable by him to the state where he resides that his income subject to taxation under this chapter bears to his entire income upon which the tax so payable to the other state was imposed, but only if the laws of the other state grant a substantially similar credit to residents of this state subject to income tax under such laws, or impose a tax upon the personal incomes of its residents derived from sources in this state and exempt from taxation the personal incomes of residents of this state. No credit shall be allowed against the amount of the tax on any income taxable under this chapter that is exempt from taxation under the laws of the other state.

(3) An individual who is not a resident of this state shall not be liable for any income tax under KRS 141.020 (5) if the laws of the state of which such individual was a resident at the time such income was earned in this state contained a reciprocal provision under which nonresidents were exempted from gross or net income taxes to such state, provided the state of residence of such nonresident individual allowed a similar exemption to resident individuals of this state. The exemption authorized by this subsection shall in no manner preclude the Department of Revenue from requiring any information reports pursuant to KRS 141.150 (2).

(4) The Commissioner of Revenue may, with the approval of the Attorney General, enter into agreements with the taxing authorities of states having income tax withholding statutes with such agreements to govern the amounts to be withheld from the wages and salaries of residents of such other state or states under the provisions of this chapter when such other state or states grant similar treatment to the residents of this state. Such agreements may provide for recognition of the anticipated tax credits allowed under this section in determining the amounts to be withheld.

Section 5. Section 141.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every individual, except as otherwise provided in this section, having for the taxable year a net income of one thousand dollars or over or a gross income of twelve hundred dollars or over, if single, or if married and not living with husband or wife and every married individual living with husband or wife whose net income combined with the net income of his or her spouse exceeds two thousand dollars, or whose gross income combined with the gross income of his or her spouse exceeds twenty-five hundred dollars, shall make to the department a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter. Any individual who is blind or who has attained the age of sixty-five before the close of his taxable year or who qualified as a head of household shall be required to make a return only if he has for the

taxable year a net income which exceeds two thousand dollars or a gross income which exceeds twenty-five hundred dollars. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

(3) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 6. Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department:

(a) Every individual having a gross income for the taxable year of twelve hundred dollars or over;

(b) Every estate the gross income of which for the taxable year is twelve hundred dollars or over;

(c) Every trust the gross income of which for the taxable year is one hundred dollars or over.

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 7. Section 141.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every individual shall, at the time prescribed in subsection (3), make a declaration of his estimated tax for the taxable year if his gross income from sources other than wages upon which Kentucky income tax will be withheld can reasonably be expected to exceed one thousand dollars for the taxable year and his gross income can reasonably be expected to be an amount not less than the amount for which a return is required under KRS 141.180, as amended by this Act.

(2) In the declaration required under subsection (1) the individual shall state:

(a) The amount which he estimates as the amount of tax under KRS 141.020 for the taxable year;

(b) The amount which he estimates as the credits for the taxable year under KRS 141.310 and KRS 141.315;

(c) The excess of the amount estimated under paragraph (a) over the amount estimated under paragraph (b), which excess for purposes of this chapter shall be considered the estimated tax for the taxable year;

(d) Such other information as may be prescribed in regulations promulgated by the department.

(3) The declaration required under subsection (1) shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) are first met;

(a) After April 1 and before July 2 of the taxable year, the declaration shall be filed on or before July 15 of the taxable year; or

(b) After July 1 and before November 2 of the taxable year, the declaration shall be filed on or before November 15 of the taxable year; or

(c) After November 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3), under regulations prescribed by the department.

(5) If on or before February 15 of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

(a) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such February 15, such return shall, for the purposes of this section, be considered as such declaration; and

(b) If the tax shown on the return, reduced by the credits under KRS 141.350, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (4) to be filed on or before such February 15.

(6) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) For the purposes of KRS 131.190, a declaration of estimated tax shall be held and considered a return of income under this chapter.

Section 8. Section 141.360 of the Kentucky Revised Statutes is amended to read as follows:

Unless the tax levied under KRS 141.310 is determined as provided in KRS 141.315, such tax shall be determined in accordance with the following tables for all payments of wages made on and after January 1, 1961.

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employe is QUARTERLY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ 0	$ 300	2% of wages	0	0	0	0	0	0	0	0	0	0
300	312	4.62	.15	0	0	0	0	0	0	0	0	0
312	324	4.77	.33	0	0	0	0	0	0	0	0	0
324	336	4.95	.51	0	0	0	0	0	0	0	0	0
336	348	5.13	.69	0	0	0	0	0	0	0	0	0
348	360	5.31	.84	0	0	0	0	0	0	0	0	0
360	372	5.49	1.02	0	0	0	0	0	0	0	0	0
372	384	5.67	1.20	0	0	0	0	0	0	0	0	0
384	396	5.85	1.38	0	0	0	0	0	0	0	0	0
396	408	6.03	1.56	0	0	0	0	0	0	0	0	0
408	420	6.21	1.74	0	0	0	0	0	0	0	0	0
420	432	6.39	1.92	0	0	0	0	0	0	0	0	0
432	444	6.57	2.10	0	0	0	0	0	0	0	0	0
444	456	6.72	2.28	0	0	0	0	0	0	0	0	0
456	468	6.90	2.46	0	0	0	0	0	0	0	0	0
468	480	7.08	2.64	0	0	0	0	0	0	0	0	0
480	492	7.26	2.79	0	0	0	0	0	0	0	0	0
492	504	7.44	2.97	0	0	0	0	0	0	0	0	0
504	516	7.62	3.15	0	0	0	0	0	0	0	0	0
516	528	7.80	3.33	0	0	0	0	0	0	0	0	0
528	540	7.98	3.51	0	0	0	0	0	0	0	0	0
540	552	8.16	3.69	0	0	0	0	0	0	0	0	0
552	564	8.31	3.87	0	0	0	0	0	0	0	0	0
564	576	8.49	4.05	0	0	0	0	0	0	0	0	0
576	588	8.67	4.23	0	0	0	0	0	0	0	0	0
588	600	8.85	4.41	0	0	0	0	0	0	0	0	0
600	612	9.03	4.56	.12	0	0	0	0	0	0	0	0
612	624	9.18	4.74	.30	0	0	0	0	0	0	0	0
624	636	9.36	4.92	.48	0	0	0	0	0	0	0	0
636	648	9.54	5.10	.66	0	0	0	0	0	0	0	0
648	660	9.72	5.28	.81	0	0	0	0	0	0	0	0
660	672	9.87	5.46	.99	0	0	0	0	0	0	0	0
672	684	10.05	5.64	1.17	0	0	0	0	0	0	0	0
684	696	10.23	5.82	1.35	0	0	0	0	0	0	0	0
696	708	10.41	6.00	1.53	0	0	0	0	0	0	0	0
708	720	10.56	6.15	1.71	0	0	0	0	0	0	0	0

$ 720	$ 744	10.92	6.51	2.07	0							
744	768	11.28	6.87	2.43	0	0	0	0	0	0	0	0
768	792	11.61	7.20	2.76	0	0	0	0	0	0	0	0
792	816	11.97	7.56	3.12	0	0	0	0	0	0	0	0
816	840	12.30	7.89	3.48	0	0	0	0	0	0	0	0
840	864	12.66	8.25	3.84	0	0	0	0	0	0	0	0
864	888	12.99	8.58	4.23	0	0	0	0	0	0	0	0
888	912	13.35	8.94	4.53	.11	0	0	0	0	0	0	0
912	936	13.68	9.30	4.89	.65	0	0	0	0	0	0	0
936	960	14.04	9.63	5.37	1.19	0	0	0	0	0	0	0
960	984	14.40	9.99	5.91	1.73	0	0	0	0	0	0	0
984	1,008	14.73	10.50	6.45	2.24	0	0	0	0	0	0	0
1,008	1,032	15.12	11.01	6.96	2.78	0	0	0	0	0	0	0
1,032	1,056	15.63	11.52	7.50	3.32	0	0	0	0	0	0	0
1,056	1,080	16.17	12.06	8.04	3.83	0	0	0	0	0	0	0
1,089	1,104	16.68	12.57	8.55	4.37	.19	0	0	0	0	0	0
1,104	1,128	17.19	13.08	9.09	4.91	.70	0	0	0	0	0	0
1,128	1,152	17.67	13.62	9.63	5.45	1.24	0	0	0	0	0	0
1,152	1,176	18.18	14.13	10.17	5.96	1.78	0	0	0	0	0	0
1,176	1,200	18.66	14.64	10.68	6.50	2.32	0	0	0	0	0	0
1,200	1,260	19.92	15.96	12.03	7.94	4.03	.09	0	0	0	0	0
1,260	1,320	21.15	17.19	13.62	9.71	5.80	1.86	0	0	0	0	0
1,320	1,380	22.38	18.75	15.39	11.48	7.57	3.78	0	0	0	0	0
1,380	1,440	24.00	20.40	17.16	13.34	9.52	5.73	1.94	0	0	0	0
1,440	1,500	25.68	22.08	19.05	15.29	11.50	7.74	4.25	.76	0	0	0
1,500	1,560	27.33	23.85	21.00	17.27	13.72	10.20	6.71	3.22	0	0	0
1,560	1,620	29.13	25.71	23.01	19.67	16.18	12.66	9.17	5.68	2.16	0	0
1,620	1,680	30.96	27.66	25.41	22.07	18.64	15.12	11.63	8.14	4.62	1.13	0
1,680	1,740	32.76	29.85	27.84	24.47	21.10	17.58	14.09	10.60	7.08	3.59	.10
1,740	1,800	34.95	32.13	30.24	26.87	23.53	20.04	16.55	13.06	9.54	6.05	2.56
1,800	1,920	39.33	36.57	35.04	31.67	28.33	24.96	21.47	17.98	14.46	10.97	7.48
1,920	2,040	43.71	40.95	39.87	36.50	33.16	29.82	26.39	22.90	19.38	15.89	12.40
2,040	2,160	48.09	45.33	44.67	41.33	37.96	34.62	31.28	27.82	24.30	20.81	17.32
2,160	2,280	52.38	49.71	49.47	46.13	42.79	39.42	36.08	32.74	29.22	25.88	22.69
2,280	2,400	56.52	54.09	54.30	50.93	47.59	44.25	41.06	38.05	34.98	31.79	28.57
2,400	2,520	60.66	58.20	59.07	55.88	52.87	49.83	46.82	43.81	40.77	37.67	34.45
2,520	2,640	64.62	62.16	64.29	61.49	58.48	55.44	52.94	49.93	46.38	43.37	40.21
2,640	2,760	68.55	66.36	69.63	66.98	64.09	61.08	58.04	55.03	52.02	48.98	45.97
2,760	2,880	72.75	71.10	74.94	72.29	69.64	66.69	63.68	60.64	57.63	54.62	51.58
2,880	3,000	77.19	75.63	80.28	77.63	74.95	72.30	69.29	66.25	63.24	60.23	57.19
3,000	3,120	81.66	80.10	85.62	82.94	80.29	77.64	74.90	71.89	68.85	65.84	62.83
3,120	3,240	86.13	84.54	90.93	88.25	85.63	82.95	80.30	77.50	74.46	71.45	68.44
3,240	3,360	90.27	89.01	96.27	93.62	90.94	88.29	85.64	82.96	80.10	77.06	74.05
3,360	3,480	94.38	93.24	101.58	98.93	96.28	93.60	90.95	88.30	85.62	82.70	79.66
3,480	3,600	98.46	97.35	106.80	104.27	101.59	98.94	96.29	93.61	90.96	88.31	85.27
3,600	3,750	103,39	102.48	113.10	110.81	108.25	105.60	102.95	100.27	97.62	94.97	92.29
						4% of all over $3,750 plus						
3,750 and over		103.59	102.48	113.10	110.81	108.25	105.60	102.95	100.27	97.62	94.97	92.29

Commonwealth of Kentucky
DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES
If payroll period with respect to an employe is MONTHLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$ 100	2% of wages	0	0	0	0	0	0	0	0	0	0
100	104	1.54	.05	0	0	0	0	0	0	0	0	0
104	108	1.59	.11	0	0	0	0	0	0	0	0	0
108	112	1.65	.17	0	0	0	0	0	0	0	0	0
112	116	1.71	.23	0	0	0	0	0	0	0	0	0
116	120	1.77	.28	0	0	0	0	0	0	0	0	0
120	124	1.83	.34	0	0	0	0	0	0	0	0	0
124	128	1.89	.40	0	0	0	0	0	0	0	0	0
128	132	1.95	.46	0	0	0	0	0	0	0	0	0
132	136	2.01	.52	0	0	0	0	0	0	0	0	0
136	140	2.07	.58	0	0	0	0	0	0	0	0	0
140	144	2.13	.64	0	0	0	0	0	0	0	0	0
144	148	2.19	.70	0	0	0	0	0	0	0	0	0
148	152	2.24	.76	0	0	0	0	0	0	0	0	0
152	156	2.30	.82	0	0	0	0	0	0	0	0	0
156	160	2.36	.88	0	0	0	0	0	0	0	0	0
160	164	2.42	.93	0	0	0	0	0	0	0	0	0
164	168	2.48	.99	0	0	0	0	0	0	0	0	0
168	172	2.54	1.05	0	0	0	0	0	0	0	0	0
172	176	2.60	1.11	0	0	0	0	0	0	0	0	0
176	180	2.65	1.17	0	0	0	0	0	0	0	0	0
180	184	2.72	1.23	0	0	0	0	0	0	0	0	0
184	188	2.77	1.29	0	0	0	0	0	0	0	0	0
188	192	2.83	1.35	0	0	0	0	0	0	0	0	0
192	196	2.89	1.41	0	0	0	0	0	0	0	0	0
196	200	2.95	1.47	0	0	0	0	0	0	0	0	0
200	204	3.01	1.52	.04	0	0	0	0	0	0	0	0
204	208	3.06	1.58	.10	0	0	0	0	0	0	0	0
208	212	3.12	1.64	.15	0	0	0	0	0	0	0	0
212	216	3.18	1.70	.22	0	0	0	0	0	0	0	0
216	220	3.24	1.76	.27	0	0	0	0	0	0	0	0
220	224	3.29	1.82	.33	0	0	0	0	0	0	0	0
224	228	3.35	1.88	.39	0	0	0	0	0	0	0	0
228	232	3.41	1.94	.45	0	0	0	0	0	0	0	0
232	236	3.47	2.00	.51	0	0	0	0	0	0	0	0
236	240	3.52	2.05	.57	0	0	0	0	0	0	0	0
240	248	3.64	2.17	.69	0	0	0	0	0	0	0	0
248	256	3.76	2.29	.81	0	0	0	0	0	0	0	0

$ 256	$ 264	3.87	2.40	.92	0	0	0	0	0	0	0	0
264	272	3.99	2.52	1.04	0	0	0	0	0	0	0	0
272	280	4.10	2.63	1.16	0	0	0	0	0	0	0	0
280	288	4.22	2.75	1.23	0	0	0	0	0	0	0	0
283	296	4.33	2.86	1.41	0	0	0	0	0	0	0	0
296	304	4.45	2.98	1.51	.04	0	0	0	0	0	0	0
304	312	4.56	3.10	1.63	.22	0	0	0	0	0	0	0
312	320	4.65	3.21	1.79	.40	0	0	0	0	0	0	0
320	328	4.80	3.33	1.97	.58	0	0	0	0	0	0	0
328	336	4.91	3.50	2.13	.75	0	0	0	0	0	0	0
336	344	5.04	3.67	2.32	.93	0	0	0	0	0	0	0
344	352	5.21	3.84	2.50	1.11	0	0	0	0	0	0	0
352	360	5.39	4.02	2.68	1.28	0	0	0	0	0	0	0
360	368	5.50	4.19	2.83	1.46	.06	0	0	0	0	0	0
368	376	5.73	4.36	3.03	1.64	.23	0	0	0	0	0	0
376	384	5.89	4.54	3.21	1.82	.41	0	0	0	0	0	0
384	392	6.06	4.71	3.39	1.99	.59	0	0	0	0	0	0
392	400	6.22	4.88	3.56	2.17	.77	0	0	0	0	0	0
400	420	6.64	5.32	4.01	2.65	1.34	.03	0	0	0	0	0
420	440	7.05	5.73	4.54	3.24	1.93	.62	0	0	0	0	0
440	460	7.46	6.25	5.13	3.83	2.52	1.26	0	0	0	0	0
460	480	8.00	6.80	5.72	4.45	3.17	1.91	.65	0	0	0	0
480	500	8.56	7.36	6.35	5.10	3.83	2.58	1.42	.25	0	0	0
500	520	9.11	7.95	7.00	5.76	4.57	3.40	2.24	1.07	0	0	0
520	540	9.71	8.57	7.67	6.56	5.39	4.22	3.06	1.89	.72	0	0
540	560	10.32	9.22	8.47	7.36	6.21	5.04	3.86	2.71	1.54	.38	0
560	580	10.92	9.95	9.28	8.16	7.03	5.86	4.70	3.53	2.36	1.20	.03
580	600	11.65	10.71	10.08	8.96	7.84	6.65	5.52	4.35	3.18	2.02	.83
600	640	13.11	12.19	11.68	10.56	9.44	8.32	7.16	3.99	4.82	3.66	2.49
640	680	14.57	13.65	13.29	12.17	11.05	9.94	8.90	7.63	6.46	5.30	4.13
680	720	16.03	15.11	14.89	13.78	12.65	11.54	10.43	9.27	8.10	6.94	5.77
720	760	17.46	16.57	16.49	15.38	14.26	13.14	12.03	10.91	9.74	8.63	7.56
760	800	18.84	18.03	18.10	16.98	15.86	14.75	13.69	12.68	11.66	10.60	9.52
800	840	20.22	19.40	19.69	18.63	17.62	16.61	15.61	14.60	13.59	12.56	11.48
840	880	21.54	20.72	21.43	20.50	19.49	18.48	17.48	16.47	15.46	14.46	13.40
880	920	22.85	22.12	23.21	22.33	21.36	20.36	19.35	18.34	17.34	16.33	15.32
920	960	24.25	23.70	24.98	24.10	23.21	22.23	21.23	20.21	19.21	18.21	17.19
960	1,000	25.73	25.21	26.76	25.88	24.98	24.10	23.10	22.06	21.08	20.08	19.06
1,000	1,040	27.22	26.70	28.54	27.65	26.76	25.88	24.97	23.96	22.95	21.95	20.94
1,040	1,080	28.71	28.18	30.31	29.42	28.54	27.65	26.77	25.83	24.62	23.82	22.61
1,080	1,120	30.09	29.67	32.09	31.21	30.31	29.43	28.55	27.65	26.70	25.69	24.68
1,120	1,160	31.46	31.08	33.86	32.98	32.09	31.26	30.32	29.43	28.54	27.57	26.55
1,160	1,200	32.82	32.45	35.60	34.76	33.86	32.98	32.10	31.20	30.32	29.44	28.42
1,200	1,250	34.53	34.16	37.70	36.94	36.06	35.20	34.32	33.42	32.54	31.66	30.76
1,250 and over						4% of all over $1,250 plus						
		34.53	34.16	37.70	36.94	36.08	35.20	34.32	33.42	32.54	31.66	30.76

If the payroll period with respect to an employe is semi-monthly, tthe amount to be withheld shall be determined by multiplying the wages by two (2), applying the monthly table, and dividing the tax shown on the monthly table by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES

If the payroll period with respect to an employe is WEEKLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$ 24	2% of wages	0	0	0	0	0	0	0	0	0	0
24	26	.38	.04	0	0	0	0	0	0	0	0	0
26	28	.42	.07	0	0	0	0	0	0	0	0	0
28	30	.44	.10	0	0	0	0	0	0	0	0	0
30	32	.47	.13	0	0	0	0	0	0	0	0	0
32	34	30	.16	0	0	0	0	0	0	0	0	0
34	36	.53	.19	0	0	0	0	0	0	0	0	0
36	38	.56	.22	0	0	0	0	0	0	0	0	0
38	40	.59	.25	0	0	0	0	0	0	0	0	0
40	42	.62	.28	0	0	0	0	0	0	0	0	0
42	44	.65	.31	0	0	0	0	0	0	0	0	0
44	46	.68	.34	0	0	0	0	0	0	0	0	0
46	48	.71	.37	.02	0	0	0	0	0	0	0	0
48	50	.74	.40	.05	0	0	0	0	0	0	0	0
50	52	.76	.42	.08	0	0	0	0	0	0	0	0
52	54	.79	.45	.11	0	0	0	0	0	0	0	0
54	56	.82	.48	.14	0	0	0	0	0	0	0	0
56	58	.85	.51	.17	0	0	0	0	0	0	0	0
58	60	.88	.54	.20	0	0	0	0	0	0	0	0
60	62	.91	.57	.23	0	0	0	0	0	0	0	0
62	64	.94	.60	.26	0	0	0	0	0	0	0	0
64	66	.97	.63	.29	0	0	0	0	0	0	0	0
66	68	1.00	.65	.32	0	0	0	0	0	0	0	0
68	70	1.02	.68	.35	.01	0	0	0	0	0	0	0
70	72	1.05	.71	.38	.05	0	0	0	0	0	0	0
72	74	1.08	.74	.42	.10	0	0	0	0	0	0	0
74	76	1.11	.77	.45	.14	0	0	0	0	0	0	0
76	78	1.14	.82	.51	.19	0	0	0	0	0	0	0
78	80	1.18	.66	.55	.23	0	0	0	0	0	0	0
80	82	1.22	.90	.59	.27	0	0	0	0	0	0	0
82	84	1.26	.95	.63	.32	0	0	0	0	0	0	0
84	86	1.31	.99	.68	.36	.04	0	0	0	0	0	0
86	88	1.35	1.03	.73	.41	.09	0	0	0	0	0	0
88	90	1.39	1.08	.77	.45	.13	0	0	0	0	0	0
90	92	1.43	1.12	.62	.50	.18	0	0	0	0	0	0
92	94	1.47	1.16	.86	.54	.23	0	0	0	0	0	0

$ 94	$ 96	1.51	1.21	.90	.59	.29	0	0	0	0	0	0
96	98	1.55	1.25	.95	.64	.35	.04	0	0	0	0	0
98	100	1.60	1.29	1.00	.70	.40	.10	0	0	0	0	0
100	105	1.70	1.41	1.15	.85	.55	.25	0	0	0	0	0
105	110	1.83	1.55	1.30	1.00	.71	.41	.12	0	0	0	0
110	115	1.96	1.69	1.45	1.17	.88	.58	.31	.04	0	0	0
115	120	2.10	1.84	1.61	1.33	1.06	.78	.51	.25	0	0	0
120	125	2.25	1.99	1.78	1.53	1.27	.99	.72	.46	.19	0	0
125	130	2.40	2.15	1.99	1.73	1.47	1.19	.93	.66	.39	.11	0
130	135	2.56	2.34	2.19	1.93	1.67	1.40	1.13	.86	.60	.32	.05
135	140	2.74	2.53	2.39	2.13	1.88	1.60	1.34	1.07	.80	.52	.26
140	145	2.93	2.72	2.59	2.33	2.08	1.81	1.54	1.27	1.01	.73	.46
145	150	3.11	2.90	2.79	2.53	2.28	2.01	1.75	1.48	1.21	.93	.67
150	155	3.29	3.00	2.99	2.73	2.48	2.21	1.95	1.68	1.42	1.14	.87
155	160	3.47	3.26	3.19	2.93	2.68	2.41	2.16	1.89	1.62	1.35	1.08
160	165	3.65	3.45	3.39	3.14	2.88	2.61	2.36	2.09	1.83	1.55	1.28
165	170	3.84	3.63	3.59	3.34	3.08	2.81	2.56	2.30	2.03	1.75	1.49
170	175	4.01	3.81	3.79	3.54	3.28	3.01	2.76	2.50	2.24	1.97	1.72
175	180	4.19	3.99	3.99	3.73	3.48	3.21	2.96	2.71	2.47	2.21	1.97
180	185	4.36	4.17	4.19	3.94	3.68	3.42	3.18	2.95	2.71	2.46	2.21
185	190	4.54	4.35	4.39	4.14	3.89	3.65	3.42	3.19	2.96	2.71	2.46
190	195	4.70	4.52	4.59	4.36	4.13	3.89	3.66	3.43	3.20	2.95	2.70
195	200	4.87	4.68	4.81	4.59	4.36	4.12	3.89	3.66	3.43	3.19	2.94
200	205	5.03	4.85	5.03	4.82	4.59	4.35	4.12	3.89	3.66	3.42	3.18
205	210	5.20	5.01	5.25	5.05	4.83	4.58	4.36	4.13	3.90	3.66	3.42
210	215	5.36	5.21	5.48	5.27	5.06	4.82	4.59	4.36	4.13	3.89	3.66
215	220	5.54	5.41	5.70	5.50	5.29	5.06	4.83	4.60	4.37	4.13	3.90
220	225	5.72	5.60	5.92	5.72	5.51	5.29	5.06	4.83	4.60	4.36	4.13
225	230	5.91	5.79	6.14	5.94	5.74	5.52	5.29	5.06	4.83	4.59	4.36
230	235	6.10	5.97	6.36	6.16	5.96	5.75	5.53	5.30	5.07	4.63	4.60
235	240	6.23	6.16	6.59	6.38	6.18	5.97	5.76	5.53	5.30	5.06	4.83
240	245	6.47	6.35	6.81	6.61	6.40	6.19	5.99	5.77	5.34	5.30	5.07
245	250	6.65	6.53	7.03	6.83	6.62	6.41	6.21	6.00	5.77	5.53	5.30
250	255	6.82	6.72	7.25	7.05	6.85	6.63	6.43	6.23	6.00	5.76	5.53
255	260	7.00	6.90	7.47	7.27	7.07	6.86	6.65	6.45	6.24	6.00	5.77
260	265	7.17	7.08	7.70	7.49	7.29	7.08	6.88	6.67	6.47	6.23	6.00
265	270	7.34	7.25	7.92	7.72	7.31	7.30	7.10	6.90	6.69	6.47	6.24
270	275	7.51	7.42	8.13	7.94	7.73	7.52	7.32	7.12	6.92	6.70	6.47
275	280	7.68	7.59	8.34	8.16	7.96	7.74	7.54	7.34	7.14	6.92	6.70
280	285	7.85	7.76	8.55	8.38	8.18	7.97	7.76	7.56	7.36	7.15	6.94
285	290	8.02	7.94	8.76	8.39	8.40	8.19	7.99	7.78	7.58	7.37	7.17
290	295	8.18	8.11	8.97	8.80	8.62	8.41	8.21	8.01	7.80	7.59	7.39
295	300	8.34	8.28	9.18	9.01	8.84	8.63	8.43	8.23	8.03	7.82	7.61
300 and over						4% of all over $300 plus						
		8.34	8.28	9.18	9.01	8.84	8.63	8.43	8.23	8.03	7.82	7.61

If the payroll period is bi-weekly the amount to be withheld shall be determined by dividing the amount of wages by two (2) and applying the weekly table and multiplying such amount by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employe is DAILY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than	The amount of tax to be withheld shall be—										
$ .00	$ 3.50	2% of wages	0	0	0	0	0	0	0	0	0	0
3.50	3.75	.06	.01	0	0	0	0	0	0	0	0	0
3.75	4.00	.06	.01	0	0	0	0	0	0	0	0	0
4.00	4.25	.06	.01	0	0	0	0	0	0	0	0	0
4.25	4.50	.07	.02	0	0	0	0	0	0	0	0	0
4.50	4.75	.07	.02	0	0	0	0	0	0	0	0	0
4.75	5.00	.07	.02	0	0	0	0	0	0	0	0	0
5.00	5.25	.08	.03	0	0	0	0	0	0	0	0	0
5.25	5.50	.08	.03	0	0	0	0	0	0	0	0	0
5.50	5.75	.08	.04	0	0	0	0	0	0	0	0	0
5.75	6.00	.09	.04	0	0	0	0	0	0	0	0	0
6.00	6.25	.09	.04	0	0	0	0	0	0	0	0	0
6.25	6.50	.10	.05	0	0	0	0	0	0	0	0	0
6.50	6.75	.10	.05	.01	0	0	0	0	0	0	0	0
6.75	7.00	.10	.05	.01	0	0	0	0	0	0	0	0
7.00	7.25	.11	.06	.01	0	0	0	0	0	0	0	0
7.25	7.50	.11	.06	.01	0	0	0	0	0	0	0	0
7.50	7.75	.11	.06	.02	0	0	0	0	0	0	0	0
7.75	8.00	.12	.07	.02	0	0	0	0	0	0	0	0
8.00	8.25	.12	.07	.02	0	0	0	0	0	0	0	0
8.25	8.50	.12	.08	.03	0	0	0	0	0	0	0	0
8.50	8.75	.13	.08	.03	0	0	0	0	0	0	0	0
8.75	9.00	.13	.08	.03	0	0	0	0	0	0	0	0
9.00	9.25	.14	.09	.04	0	0	0	0	0	0	0	0
9.25	9.50	.14	.09	.04	0	0	0	0	0	0	0	0
9.50	9.75	.14	.09	.04	0	0	0	0	0	0	0	0
9.75	10.00	.15	.10	.05	0	0	0	0	0	0	0	0
10.00	10.50	.15	.10	.06	.01	0	0	0	0	0	0	0
10.50	11.00	.16	.11	.07	.02	0	0	0	0	0	0	0
11.00	11.50	.17	.12	.08	.03	0	0	0	0	0	0	0
11.50	12.00	.18	.13	.09	.04	0	0	0	0	0	0	0
12.00	12.50	.19	.14	.10	.05	0	0	0	0	0	0	0
12.50	13.00	.20	.16	.11	.06	.01	0	0	0	0	0	0

$13.00	$13.50	.21	.17	.12	.07	.03	0	0	0	0	0	0
13.50	14.00	.22	.18	.13	.09	.04	0	0	0	0	0	0
14.00	14.50	.23	.19	.15	.10	.05	.02	0	0	0	0	0
14.50	15.00	.24	.20	.16	.12	.07	.03	0	0	0	0	0
15.00	15.50	.25	.21	.18	.13	.09	.05	.01	0	0	0	0
15.50	16.00	.27	.23	.19	.15	.10	.07	.02	0	0	0	0
16.00	16.50	.28	.24	.21	.16	.12	.08	.04	0	0	0	0
16.50	17.00	.30	.25	.22	.18	.13	.10	.06	.02	0	0	0
17.00	17.50	.31	.27	.24	.20	.15	.12	.08	.04	0	0	0
17.50	18.00	.32	.29	.26	.22	.18	.14	.10	.06	.02	0	0
18.00	18.50	.34	.30	.28	.24	.20	.16	.12	.08	.04	.01	0
18.50	19.00	.35	.32	.30	.26	.22	.19	.14	.10	.06	.03	0
19.00	19.50	.37	.34	.32	.28	.24	.21	.16	.12	.08	.05	.01
19.50	20.00	.39	.36	.34	.30	.26	.23	.19	.14	.10	.07	.03
20.00	21.00	.42	.39	.38	.34	.30	.27	.23	.18	.14	.11	.07
21.00	22.00	.46	.43	.42	.38	.34	.31	.27	.23	.18	.15	.11
22.00	23.00	.50	.47	.46	.42	.38	.35	.31	.27	.23	.19	.15
23.00	24.00	.53	.50	.50	.46	.42	.39	.35	.31	.27	.24	.19
24.00	25.00	.57	.54	.54	.50	.46	.43	.39	.35	.31	.28	.24
25.00	26.00	.60	.58	.58	.54	.50	.47	.43	.39	.35	.32	.29
26.00	27.00	.64	.61	.62	.58	.54	.51	.47	.44	.40	.37	.34
27.00	28.00	.67	.65	.66	.62	.58	.56	.52	.49	.45	.42	.39
28.00	29.00	.71	.68	.70	.67	.63	.60	.57	.53	.50	.47	.43
29.00	30.00	.74	.71	.74	.71	.68	.65	.61	.58	.54	.52	.48
30.00	31.00	.77	.75	.79	.76	.72	.70	.66	.63	.59	.56	.53
31.00	32.00	.81	.79	.83	.80	.77	.74	.71	.67	.64	.61	.58
32.00	33.00	.85	.83	.88	.85	.81	.79	.76	.72	.68	.66	.62
33.00	34.00	.88	.87	.92	.89	.86	.84	.80	.77	.73	.70	.67
34.00	35.00	.92	.90	.97	.93	.90	.88	.85	.81	.78	.75	.72
35.00	36.00	.96	.94	1.01	.98	.95	.93	.89	.86	.82	.80	.76
36.00	37.00	.99	.98	1.05	1.02	.99	.97	.94	.91	.87	.85	.81
37.00	38.00	1.03	1.01	1.10	1.07	1.04	1.01	.98	.95	.92	.89	.86
38.00	39.00	1.06	1.05	1.14	1.11	1.08	1.06	1.03	.99	.96	.94	.90
39.00	40.00	1.09	1.08	1.19	1.16	1.12	1.10	1.07	1.04	1.01	.99	.95
40.00	41.00	1.13	1.12	1.23	1.20	1.17	1.15	1.12	1.08	1.05	1.03	1.00
41.00	42.00	1.16	1.15	1.27	1.24	1.21	1.19	1.16	1.13	1.10	1.07	1.04
42.00 and over					4% of all over $42.00 plus							
		1.16	1.15	1.27	1.24	1.21	1.19	1.16	1.13	1.10	1.07	1.04

This table shall be used in calculating the proper amount to be withheld in the case of a miscellaneous payroll period.

Section 9. Section 141.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty shall be in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(5) If the tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

(6) Any person required under the provisions of KRS 141.150 or KRS 141.335 to furnish a statement required under that section who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner at the time and showing the information required under KRS 141.150 and KRS

141.335, shall for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(7) (a) Any employer required under the provisions of KRS 141.310 or KRS 141.315 to withhold taxes on wages and make quarterly returns and payment of amounts withheld to the department, who fails to withhold such taxes, or to make such returns, or who fails to remit amounts collected to the department, shall be subject to a civil penalty equal to twenty-five percent of the amount of taxes that should have been properly withheld and paid over to the department, or ten dollars, whichever is greater, for each such failure. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(b) Any employer required to file a return under the provisions of KRS 141.330 (1) when no tax should have been properly withheld, and who fails to file the same, shall be subject to a civil penalty of ten dollars for each violation. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(8) (a) In the case of a failure to make and file a declaration of estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to wilful neglect, there shall be added to the tax six percent of each installment due. For the purposes of this subsection, the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credit allowed by KRS 141.350.

(b) Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the department has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to wilful neglect, in the case of failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to wilful neglect, there shall be added to the tax six percent of the unpaid amount of such installment.

(9) If eighty percent of the tax, determined without regard to the credit under KRS 141.350, in the case of individuals other than farmers exercising an election under subsection (5) of KRS 141.305, or sixty-six and two-thirds percent of such tax so determined in the case of such farmers, exceeds the estimated tax, increased by such credit, there shall be added to the tax an amount equal to such

excess, or equal to six percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which falls the death of the taxpayer, nor shall it apply to the taxable year in which the taxpayer makes a timely payment on April 15, July 15 and November 15, of such year, or in the case of farmers exercising an election under subsection (5) of KRS 141.305 within the last quarter, and making payment in an amount at least as great as though computed on the basis of the facts shown on his return for the preceding taxable year.

(10) Any penalty imposed by subsection (1), (2), (3), (4), (5), (6), (7), (8) or (9) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(11) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(12) In addition to the penalties herein prescribed, any taxpayer or employer, who wilfully fails to make a return or wilfully makes a false return, or who wilfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amounts collected, or any part thereof, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or confined in the penitentiary for not less than twelve months or more than five years, or both.

ARTICLE IV

Section 1. Section 136.240 and 137.060 of the Kentucky Revised Statutes are hereby repealed.

Section 2. Section 137.030 of the Kentucky Revised Statutes is amended to read as follows:

Any person paying a license fee prescribed in KRS 137.020 may credit against the amount of any taxes due under Article I of this Act with respect to charges for admissions the amount of the license fee. The credit must be taken in the same calendar year as of the issuance of the license. This shall not affect the time and manner of reporting as required under Article I of this Act.

Section 3. Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person for resale in this state cigarettes upon which the state cigarette tax has been paid, there is imposed a license fee of twenty-five dollars per annum. "Possessing" as used in this subsection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

Section 4. The fiscal court of each county is hereby given the authority to impose with respect:

(1) To each restaurant serving meals, a license fee not to exceed ten dollars per annum.

(2) To each retail outlet of soft drinks or ice cream, a license fee not to exceed five dollars per annum. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax not to exceed ten dollars per annum.

(3) To each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee not to exceed thirty dollars per annum for the first table or alley and not to exceed five dollars per annum for each additional table or alley.

(4) To each place where tobacco products are sold at retail, a license fee not to exceed ten dollars per annum.

Section 5. Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco, or any substitute for tobacco, at the rate of two and one-half cents on each twenty cigarettes or fraction thereof. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

(2) This tax shall be paid by affixing stamps in the manner and at the time set forth in this section and in KRS 138.150 to 138.200. The stamps shall be affixed to each individual package of cigarettes by the manufacturer when and as sold, if the cigarettes are manufactured within this state, otherwise they shall be affixed by the wholesaler within seventy-two hours after the cigarettes are received by him, or if received by a retailer they shall be affixed within twenty-four hours after the cigarettes are received by him. All cigarettes must be stamped before being sold in this state.

(3) The stamps shall be affixed so that the package cannot be opened without breaking the stamp, and so as to require the continued application of steam or water to remove them without opening the package. The methods of breaking packages and of affixing stamps shall be prescribed by the Department of Revenue in such a way as to enforce the provisions of KRS 138.130 to 138.200.

ARTICLE V

Section 1. If any section, subsection, clause, sentence or phrase of this Act which is reasonably separable from the remaining portions of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed the remaining portion of this Act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this Act be declared unconstitutional.

Section 2. Nothing contained in Articles I, II, or IV of this Act shall affect any liability for motor vehicle usage taxes, utility gross receipts taxes, or retail occupational license taxes arising out of the registration or use of motor vehicles, the sale of electric current, gas, or water, or the transmission of messages, or the doing of such retail business, if such sale, registration or use, transmission, or retail business occurred or was transacted prior to July 1, 1960.

Section 3. Except as otherwise provided in this Act, the provisions of this Act shall become operative immediately upon its enactment into law.

Section 4. The provisions of Articles II and IV of this Act shall become operative beginning July 1, 1960.

Section 5. The provisions of Article III, other than Section 7 thereof, shall be applicable for all taxable years beginning on or after January 1, 1961. With respect to all taxable years beginning before January 1, 1961, the provisions of Kentucky Revised Statutes, Chapter 141, as they existed immediately prior to the enactment of this Act shall remain applicable the same as though they had not been amended or repealed by Article III of this Act.

Section 6. Whereas, in order to make provision for the proper administration of Article I it is imperative that this Act take effect at the earliest possible date, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Calendar

HB 12, HB 27, HB 7 and **HB 35** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Introduction of Bills and Resolutions

HR 25, by Representative Davis:

HR 25, A RESOLUTION honoring the memory of Earl Bradley.

WHEREAS, Earl Bradley, who served with distinction in this body, is lately deceased; and

WHEREAS, in the seventy-eight years of his life since his birth in Bandana he served the public well, as sheriff of Ballard County as well as in this House;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House take formal notice of the death of Earl Bradley, and extend sympathy to his wife, son, daughter and sister.

Representative Davis moved to adopt **HR 25.** Agreed.

Orders of the Day

HB 24 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Young moved the Previous Question on **HB 24.** Agreed.

On the roll call, the vote was yeas 23—Cole, Colley, Davis, Edmunds, Hahn, Haley, Harris, Hislope, Houtchens, Hopkins, Irick, Lyon, Miles, Moorman, Fred Morgan, L. F. Morgan, Peniston, A. C. Smith, J. D. Smith, Virgil Smith, Tucker, G. T. White, J. E. White. Nays 52—Alexander, Baumgardner, Brizendine, Carter, Castle, Caudill, Childress, Chumbler, Clark, Cook, Cornett (Paul W.), Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Ellis, Farmer, Fern, Fields, Garner, Griffin, Hall, Hampton, Hardin, Henry, Hill, Hinkle, Isler, Miller, Moloney, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Qualls, Quinn, Rausch, Rayburn, Render, Roberts, Robinson, Spurrier, Steiger, Stidham, Summe, Treas and Young. **HB 24** was rejected.

Senate Message

Announcing passage of **SB 15, SB 16, SB 31, SR 10** and **SR 16.**

Orders of the Day

HB 30 taken from Orders of the Day, and ordered read at length the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ford moved to table **HB 30.**

On the roll call, the vote was yeas 39—Barton, Bates, Baumgardner, Caudill, Childress, Chumbler, Cole, Crecelius, Dobyns, Dowell, Edmunds, Ellis, Farmer, Ford, Garner, Hahn, Haley, Hall, Houtchens, Irick, Isler, Miller, Osting, Peniston, Quinn, Rausch, Ray, Reynolds, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Treas, Tucker, Young. Nays 52—Alexander, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Clark, Colley, Cook, Paul Cornett, Cowherd, Dean, Denham, Dexter, Fern, Fields, Fitzpatrick, Griffin, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Lovins, Lyon, Miles, Moloney, Moorman, Fred Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Qualls, Rayburn, Render, Roberts, Slusher Summe, Tanner, Wathen, G. T. White, J. E. White and Wood.

The motion to table **HB 30** was rejected.

Representative Buckman moved that **HB 30** be placed on its passage. Agreed.

On the roll call, the vote was yeas 53—Alexander, Barton, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Clark, Colley, Cook, Paul Cornett, Cowherd, Davis, Dean, Denham, Dexter, Fern, Fields, Fitzpatrick, Garner, Griffin, Hampton, Hardin Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Lovins, Lyon, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Render, Slusher, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 37—Bates, Baumgardner, Caudill, Childress, Chumbler, Cole, Crecelius, Dobyns, Dowell, Edmunds, Ellis, Farmer, Ford, Hahn, Haley, Hall, Hopkins, Houtchens, Irick, Isler, Miller, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Reynolds, Robinson, Albert C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Stacy, Young and Lowman.

HB 30 was passed and the title agreed to.

HB 42 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Hinkle moved the Previous Question on **HB 42.** Agreed.

On the roll call, the vote was yeas 94—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 42** was passed, and the title agreed to.

Representative Buckman moved that the title of **HB 42** be amended as follows: "Amend printed copy of House Bill No. 42 by amending the title thereof by substituting a comma for the period after the word emergency, and adding the words "and to be known as the Lowman-Rayburn-Ray-Fitzpatrick Act." Agreed.

Representative Ray moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 62 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Fitzpatrick moved the Previous Question on **HB 62.** Agreed.

On the roll call, the vote was yeas 90—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengin, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 3—Garner, Ostertag, Summe. **HB 62** was passed and the title agreed to.

Representative Ray moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Reference of Bills and Resolutions

The clerk reported that the following bills and resolutions had been referred:

Appropriations: **HR 21**
County Government: **HB 102**
Constitutional Amendments: **HB 94**
Courts and Legal Procedure: **HB 87** and **HB 92**
Criminal Law: **HB 86** and **HB 90**
SB 8 and **SB 14**
Education: **HB 97**
Judiciary and Judicial Council: **HB 88** and **HB 96**
Kentucky Statutes #1: **HB 89, HB 93, HB 98** and **HB 103**
Kentucky Statutes #3: **HB 99**
Legislative Affairs: **HB 105**
Motor Transportation: **HB 104**
Oil and Petroleum Products: **HB 100** and **HR 23**
Public Utilities: **HB 91**
Revenue and Taxation: **HB 95**
Ways and Means: **HB 101**

Orders of the Day

HB 16 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Hinkle moved to adopt **HR 16.** Agreed.

Introduction of Bills and Resolutions

HB 106, by Representatives Tanner, Hahn, Lyon, Miles, Hislope, Hinkle, Isler, Hopkins, Render, Denham, Barton, Edmunds, Ford and Slusher: AN ACT relating to state employment.

HB 107, by Representatives Lankford, Treas and Virgil Smith: AN ACT relating to regulating traffic on certain roads.

HB 108, by Representative Tanner: AN ACT relating to Chambers of Commerce.

HB 109, by Representative Isler: AN ACT relating to public utilities.

HB 110, by Representative Ellis: AN ACT relating to rural highways.

HB 111, by Representatives Chumbler, Virgil Smith, Bates: AN ACT relating to hunting and fishing licenses.

HB 112, by Representative Young: AN ACT relating to taxation.

HB 113, by Representatives Garner, Summe, Dobyns, Hall, Isler, Ford and Colley: AN ACT relating to hospitalization insurance.

HB 114, by Representatives Cottengim, Dexter and Qualls: AN ACT relating to wages and salaries of corporations.

HB 115, by Representatives Cottengim, Dexter and Qualls: AN ACT relating to the mining of clay.

HR 26, by Representative Tanner: A RESOLUTION directing each department and agency of state government to report the number of "sleepers" and "riders" on state payroll.

Representative Moloney moved the rules be suspended to make motion on **HB 24.** Agreed. Representative Moloney moved to reconsider the vote by which **HB 24** was rejected. Agreed. Representative Moloney moved that **HB 24** be recommitted to Education Committee. Agreed.

Representative Ray moved that the House adjourn until 8 p.m., January 25. Agreed.

MONDAY, JANUARY 25, 1960

SEVENTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by Dr. N. Burnett Magruder, Executive Director, Louisville Area Council of Churches.

The roll was called. All present except Representatives Burress, Miller, Rausch, Render and Spurrier, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 22 dispensed with and the same approved on motion of Representative Isler.

Senate Message

Announcing passage of **SB 1**, and **SB 2.**

Motions, Petitions, and Communications

Representative Colley moved that **HB 27** be recommitted to Kentucky Statutes No. 1. Agreed.

Representative Colley moved to adopt **HR 27.** Agreed.

HR 27, A CONCURRENT RESOLUTION memorializing the Congress and the President of the United States to create a national coal research and development commission as an independent agency.

WHEREAS, a strong, healthy, coal mining industry is essential to the economic welfare and security of the United States and the Commonwealth of Kentucky; and

WHEREAS, the coal industry at large and particularly within the Commonwealth of Kentucky has long been economically ill and highly vulnerable to economic recessions, and the inroads of competitive fuels; and

WHEREAS, short-range research and development activities would aid in promptly improving and strengthening the industry; and

WHEREAS, the Bureau of Mines of the Interior Department as a matter of policy concentrates on long-range studies and has indicated a reluctance or incapacity to engage in short-run investigations; and

WHEREAS, the research efforts of the bureau of Mines and industry in general are inadequate in relation to current problems and research opportunities and clearly need to be supplemented by an expanded Government program; and

WHEREAS, a short-range, federally supported coal research and development program if it is to be conducted expeditiously and effectively and achieve the maximum end results should be administerial by an independent Federal Agency unshackled and uninhibited by traditional approaches and restrictive policies;

NOW, THEREFORE,

Be is resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States and the President be memorialized to create a national coal research and development commission as an independent agency of the Federal Government.

Section 2. That the Clerk of the House forward copies of this resolution to the President of the United States and to the members of Congress from Kentucky.

Representative Albert Smith moved to adopt **HR 28.** Agreed.

HR 28, A CONCURRENT RESOLUTION directing the President of the Senate and the Speaker of the House to extend on behalf of the members of the General Assembly of the Commonwealth of Kentucky greetings to the National Association of Soil Conservation Districts.

WHEREAS, the Commonwealth of Kentucky is honored that the National Association of Soil Conservation Districts shall hold the Fourteenth Annual Convention on January 31, 1960 to February 4, 1960 in Louisville, Kentucky; and

WHEREAS, the Kentucky State Association of Soil Conservation Districts shall be the hosts for this meeting; and

WHEREAS, the 121 Soil Conservation Districts of Kentucky have accomplished so much in conserving the great natural resources of Kentucky; and

WHEREAS, it is the wish and the desire of all members of the General Assembly to be present and participate in this most worthy and important Convention but in consideration of their individual and respective duties in the General Assembly this will not be possible:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the President of the Senate and the Speaker of the House shall convey on behalf of the members of the General Assembly of the Commonwealth of Kentucky greetings to the National Association of Soil Conservation Districts at its Fourteenth Annual meeting on

January 31, 1960 to February 3, 1960, at Louisville, Kentucky and copies of this Resolution be sent to the Directors of the Kentucky State Association of Soil Conservation Districts and the Chairmen of each of the Soil Conservation Districts of the Commonwealth of Kentucky.

Report of Committees

Committee on Education reported **HB 82**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 82, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before July 1 of each year the Department of Revenue shall determine the aggregate assessed value of all property subject to assessment for school tax purposes, and shall determine the percentage the equalized value of property in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district. If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(2) In determining the required local tax effort for districts which participate in the public school foundation program fund, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the public school foundation program fund, the multiplier shall be one dollar.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

(4) No funds received as payment in lieu of property taxes from the federal government, Tennessee Valley Authority, or other federal agency shall be added to the district's required local tax effort.

Calendar

HB 70, HB 71, HB 68, HB 67, HB 69, HB 72, HB 73, HB 76 and **HB 75** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 12 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 12.** Agreed.

On the roll call, the vote was yeas 88—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 12** was passed and the title agreed to.

HB 7 taken from the Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Cottengim moved that the House recess for fifteen minutes to acquaint members with committee amendments to **HB 7.** Agreed. At the appointed hour, the Speaker called the House to order.

Representative Carter moved to amend **HB 7** as follows: Amend printed copy of **HB 7** on page 2, section 3, line 19 by deleting the words "fifty cents" and substituting in lieu thereof the words "two dollars".

On the roll call, the vote was yeas 52—Baumgardner, Brizendine, C. C. Carter, Childress, Chumbler, Clark, Colley, Paul Cornett, Cottengim, Davis, Dean, Denham, Dowell, Ellis, Faulkner, Fern, Ford, Garner, Griffin, Hahn, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Hill, Houtchens, Isler, Lankford, Martin, Miles, Moorman, Fred Morgan, Ostertag, Osting, Qualls, Rayburn, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 36—Alexander, Barton, Buckman, Castle, Caudill, Cole, Cook, Cowherd, Crecelius, Dobyns, Edmunds, Farmer, Fields, Fitzpatrick, Haley, Henry, Hinkle, Hislope, Hopkins, Irick, Lovins, Lyon, Moloney, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Parrish, Peniston, Ray, Reynolds, Stacy, Tanner, and Young.

Representative Carter moved to amend **HB 7** as follows: Amend printed copy of **HB 7** on page 2, section 4, line 23 by deleting the figures "$1.50" and substituting in lieu thereof the words "three dollars". Agreed.

Representative Ray moved the Previous Question on **HB 7.** Agreed.

On the roll call, the vote was yeas 66—Baumgardner, Brizendine, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Colley, Paul Cornett, Cottengim, Davis, Dean, Denham, Dexter, Dowell, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Hill, Hinkle, Houtchens, Irick, Isler, Lankford, Lyon, Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Ostertag, Osting, Qualls, Quinn, Rayburn, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays, 23—Alexander, Barton, Bates, Buckman, Cowherd, Crecelius, Dobyns, Edmunds, Haley, Henry, Moloney, Neel, Nichols, Nolan, Osborn, Parrish, Peniston, Ray, Reynolds, Tanner, Young, Stacy, and Cook.

HB 7 was passed as amended and title agreed to.

HB 35 taken from the Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 35.** Agreed.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Baumgardner, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Garner, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays, 7—Colley, Dobyns, Ford, Griffin, Hall, Reynolds, Young. **HB 35** was passed and the title agreed to.

Introduction of Bills and Resolutions

HB 116, by Representative Glen T. White: AN ACT relating to compensation of jury commissioners.

HB 117, by Representative Glen T. White: AN ACT relating to the county road precinct system.

HB 118, by Representatives Dexter, Stidham and Hays: AN ACT relating to veterinarians.

HB 119, by Representatives Dexter and Denham: AN ACT relating to Pension Fund's Board of Trustees in cities of the third class.

HB 120, by Representative Hislope: AN ACT relating to the closing of public offices at noon.

HB 121, by Representatives Caudill and Denham: AN ACT relating to public health.

HB 122, by Representatives Fitzpatrick, Fred Morgan, Ford, Baumgardner, Brizendine, Buckman, Burress, Castle, Childress, Cole, Colley, Paul Cornett, Cottengim, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Farmer, Faulkner, Fern, Fields, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hinkle, Hopkins, Irick, Lankford, Miles, Miller, Murphy, Nolan, Ostertag, Osting, Parrish, Qualls, Quinn, Rausch, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, Albert C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, John E. White, Wood, and Young: AN ACT relating to expenses of members of the General Assembly.

HB 123, by Representatives Irick, Colley and Cole: AN ACT relating to voter registration.

HB 124, by Representative Nichols: AN ACT concerning service of process on non-resident motorists and service of process on motorists resident in the state who after the accident become non-resident.

Representative Ray moved that the House adjourn until 12:00 a.m., January 26. Agreed.

TUESDAY, JANUARY 26, 1960

EIGHTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Invocation by Father Joseph A. O'Dwyer of the Good Shepherd Church of Frankfort.

The roll was called. All present except Representatives Farmer, Miller, Rausch, Render and J. D. Smith who were granted leave of absence on motion of Representative Isler.

Reading of the Journal for January 25 dispensed with and the same approved on motion of Representative Lyon.

Motions, Petitions and Communications

Representative Haley moved that **HB 75** be taken from the Orders of the Day and laid on the Clerk's desk, to be taken from the Clerk's desk and be placed in the Orders of the Day on the third legislative day after the House has received printed copies of the Executive Budget Bill.

Representative Ellis, seconded by Representative Fred Morgan, moved to lay Representative Haley's motion on the table. The Speaker ruled that if the motion to table is adopted the effect would be to kill **HB 75.** Representative Ellis withdrew his motion.

On the roll call, the vote was yeas, 19—Alexander, Burress, C. C. Carter, Paul Cornett, Ford, Garner, Griffin, Haley, Hall, Hardwick, Harris, Hislope, Isler, Miles, Fred Morgan, Nichols, Nolan, Summe, Wood. Nays 66—Barton, Bates, Baumgardner, Brizendine, Buckman, Castle, Childress, Chumbler, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Dean, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Hahn, Hampton, Hardin, Henry, Hill, Hinkle, Hopkins, Irick, Lankford, Lovins, Lyon, Martin, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rayburn, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Steiger, Stidham, Young, Lowman, Stacy, Tanner, Treas, Tucker, Wathen, Glen T. White, John E. White.

Representative Haley's motion was lost.

Senate Message

Announcing passage of **SB 33** and **SR 17.**

Representative Osborn moved to adopt **SR 10.** Agreed.

SR 10, A CONCURRENT RESOLUTION recommending the creation of a state park at Spindletop Farm in Fayette County.

WHEREAS, Kentucky is probably best known for its leading role in the horse industry which attracts more tourists annually to the Commonwealth than any other single attraction; and

WHEREAS, this multi-million dollar industry means much economically to thousands of our citizens; and

WHEREAS, it is not only entirely fitting, but practical and feasible to establish a state park in the heart of the horse country at beautiful Spindletop Farm in Fayette County; and

WHEREAS, the Commonwealth has taken advantage of other natural tourist attractions in other sections of the state by the establishment of state parks at selected sites; and

WHEREAS, no state park is presently located in Central Kentucky although this region is widely known as one of the natural scenic spots not only of the United States but of the world; and

WHEREAS, it would seem reasonable and practical to take advantage of our leading position in the race horse industry by establishing a state park to capture the color and glamour of this industry and further promote the industry by placing "on view" to visitors from throughout the world, the many facets of this industry in its natural environment; and

WHEREAS, Spindletop Farm presents itself as an ideal location for combining the "attraction of the horse" and the natural beauty of the bluegrass countryside;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, that the Governor of Kentucky be urged through the Department of Conservation to take those steps necessary to the establishment of a state park at Spindletop Farm in Fayette County.

Section 2. That all state Senators and Representatives support any legislation necessary to accomplish the foregoing.

Representative Lowman moved to adopt **SR 16.** Agreed.

SR 16, A CONCURRENT RESOLUTION honoring the memory of Otto C. Gartin.

WHEREAS, Almighty God in his infinite wisdom has seen fit to summon from our presence the Honorable Otto C. Gartin.

WHEREAS, his passing has removed from our Commonwealth an able and efficient public servant of his city, county, state and nation as shown by his record as a soldier in World War I in the United States, England and France, and

WHEREAS, he has a distinguished record as a Senator in the Kentucky State Senate and two terms in the House of Representatives, as well as other offices of public trust and honor.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate does this day adjourn, it does so in memory of Otto C. Gartin.

Section 2. That a copy of this resolution be sent by the clerk of the Senate to his widow, Mrs. O. C. Gartin.

Report of Committees

Committee on Library and Historical Records reported **HB 50,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 50, AN ACT relating to reading matter for the blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the benefit of blind readers of Kentucky, the Library Extension Division may make available books and other reading matter in Braille, talking books or any other medium of reading used by the blind. To this end, the division is authorized to provide library services for the blind of the Commonwealth through contract, agreement or otherwise with the Library of Congress or any regional library thereof.

Committee on Public Health reported **HB 54,** without expression of opinion.

Committee on Public Health reported **HB 39,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 39, AN ACT relating to the training and educating of personnel employed by the State Tuberculosis Hospital Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The State Tuberculosis Hospital Commission is authorized to establish training schools at or within any of the hospitals operated by the commission, or at any hospital or hospitals cooperating in a joint program with the commission, for the training of necessary personnel for the hospitals, or may arrange for the training of employes or prospective employes in any public or private school or institution having available facilities for that purpose. Funds of the commission may be used to pay salaries, or to pay tuition and subsistence for employes or prospective employes, while receiving such training. Any employe or prospective employe who is paid a salary, or for whom tuition and subsistence are furnished, while receiving such training, shall be required to enter into a contract, prior to receiving such training, that unless he accepts and continues in any employment offered by the commission for at least a period equivalent to the training period, immediately following the completion of such training, he will reimburse to the commission the sum paid to or for him by the commission during or for the period of training.

Committee on Public Health reported **HB 38,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 38, AN ACT relating to the establishment of state tuberculosis hospital districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 215.061 of the Kentucky Revised Statutes is amended to read as follows:

The commission shall divide the state into tuberculosis hospital districts. The commission shall have authority, with the approval of the Governor, to transfer counties from one district to another when necessary in order to utilize the hospital facilities efficiently.

Committee on Public Health reported **HB 34,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 34, AN ACT relating to the practice of Veterinary Medicine, Veterinary Surgery, and Veterinary Dentistry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 321.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the board shall hold their first meeting as soon as practicable after they are appointed and qualified. They shall immediately proceed to organize by electing a vice-chairman and a secretary-treasurer. The last officer, namely, secretary-treasurer, need not be a member of the board but shall possess all of the qualifications required of a person to be eligible for appointment as a member of said board. Said officers shall hold their respective offices at the pleasure of the board.

(2) The board shall hold a regular meeting for giving examinations under this chapter on the last Monday in February and on the last Monday in July of each year, and such additional meetings for examinations or for any other purposes as the board may deem necessary.

(3) All meetings of the board shall be held at the State Capitol at such time and at such place as the board may see fit, and due notice shall be given to each member of the board of the time and place of each meeting, and due notice shall be given to all applicants for examination for a license of the time and place at which the examination will be given.

(4) Said board shall adopt and have a common seal bearing the name "Kentucky State Board of Veterinary Examiners."

(5) The board shall make and adopt such bylaws, rules and regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of this chapter.

(6) The board shall promulgate a code of conduct governing the practice of Veterinary Medicine, Veterinary Surgery, and Veterinary Dentistry which shall be based upon generally recognized principles of professional ethical conduct.

Section 321.350 of the Kentucky Revised Statutes is amended to read as follows:

The board may suspend or revoke a certificate of license or license for any of the causes for which it may refuse to grant a license under the provisions of this chapter, and for the following causes:

(1) For dishonesty in applying a tuberculin test on cattle or making a false record of such test.

(2) For dishonesty in applying a brucellosis (Bang's disease) test or making a false record of such test.

(3) For the procuring of a license by fraudulent means.

(4) For false advertising of medical practice intended, or having a tendency, to deceive and defraud the public.

(5) For the conviction of any felony or crime involving moral turpitude.

(6) Any gross negligence, incompetence or misconduct in the practice of veterinary medicine in this Commonwealth.

(7) For any violation of the code of conduct promulgated by the board pursuant to KRS 321.240(6).

Committee on Public Health reported **HB 33**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 33, AN ACT relating to the practice of Veterinary Medicine, Veterinary Surgery, and Veterinary Dentistry requiring the County

Attorney to assist the Board of Veterinary Examiners in actions wherein injunctions are sought by the Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 321.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The practice of veterinary medicine, veterinary surgery or veterinary dentistry by any unregistered, unlicensed person hereby is declared to be a menace and a nuisance, dangerous to the public health and safety, and it shall be the duty of the board to promptly abate or cause to be abated such practice by instituting or causing to be instituted in the name of the Commonwealth of Kentucky, on relation of said board, a suit in a court of competent jurisdiction in the county in which such practice is conducted for an injunction, and upon proof of such violation the court shall issue an injunction prohibiting such persons from engaging in the practice of veterinary medicine, veterinary surgery or veterinary dentistry unless it shall appear to the court that such practitioner is duly licensed and registered as provided in this chapter. The board hereby is empowered to file such petitions and prosecute such actions, and it is made its duty so to do. The liability for or imposition of penalties provided for in this chapter shall not constitute any basis or grounds for the denial of an injunction to prohibit the practice of veterinary medicine, veterinary surgery or veterinary dentistry without a certificate of license as provided in this chapter.

(2) Whenever requested by the board, the County Attorney or a member of his staff of the county wherein the alleged violation occurs shall assist the board in the conduct of the action.

Committee on Kentucky Statutes No. 1 reported **SB 31**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 31, AN ACT abolishing the State Highway Advisory Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 176.052 of the Kentucky Revised Statutes is hereby repealed.

Section 2. Inasmuch as the offices of Advisory State Highway Commissioners are useless and ought to be abolished immediately, an emergency is declared to exist, and this Act shall take effect immediately upon its passage and approval by the Governor.

Committee on Revenue and Taxation reported **HB 95**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 95, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be free from any tax under the preceding provisions of this Chapter the following inheritable interests:

(a) Wife, infant child by blood or adoption, or a child by blood or a child adopted during infancy who has been declared incompetent by a court of competent jurisdiction, $10,000;

(b) All other persons of Class A, under KRS 140.070, $5,000;

(c) All persons of Class B, under KRS 140.070, $1,000; and

(d) All persons of Class C, under KRS 140.070, $500.

(2) If the decedent was not a resident of this state, the exemption shall be the same proportion of the allowable exemption in the case of residents that the property taxable by this state bears to the whole property transferred by the decedent.

(3) The exemptions provided in this section shall be subtracted from the value of the respective distributive shares before the rates, provided in KRS 140.070, are applied thereto to determine the amount of tax due thereon.

Committe on Motor Transportation reported **HB 1**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 1, AN ACT relating to inspection of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.235 of the Kentucky Revised Statutes is amended to read as follows:

No motor vehicle, not next previously registered in this state, other than a new motor vehicle sold by a dealer licensed in this state, shall be registered by the county clerk unless such vehicle shall have been inspected by a peace officer of this state. Such officer inspecting the vehicle shall make a record of inspection upon the inspection form prescribed by the department. The applicant shall pay the officer a fee of one dollar for making the inspection.

Calendar

HB 82 taken from the Calendar and ordered read at length for the second time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 67 taken from Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected. Representative Wathen moved the Previous Question on **HB 67.** Agreed.

On the roll call, the vote was: Yeas, 90—Alexander, Barton, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays, 0.

HB 67 was passed and title agreed to.

HB 68, taken from Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected. Representative Wathen moved the Previous Question on **HB 68.** Agreed.

On the roll call, the vote was: Yeas, 91—Alexander, Barton, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays, 0.

HB 68 was passed and title agreed to.

HB 69, taken from Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected. Representative Wathen moved the Previous Question on **HB 69.** Agreed.

On the roll call, the vote was: Yeas, 82—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Childress, Clark, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hall, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lowman, Lyon, Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays, 0.

HB 69 was passed and title agreed to.

HB 70 taken from Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected. Representative Wathen moved the Previous Question on **HB 70.** Agreed.

On the roll call, the vote was: Yeas, 81 – Alexander, Barton, Bates, Baumgardner, Buckman, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Slusher, A. C. Smith, Virgil Smith, Spurrier, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0.

HB 70 was passed and title agreed to.

HB 71 taken from the Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected.

Representative Edmunds moved to amend **HB 71** as follows: Amend printed copy of **HB 71** on page 1, section 1, line 5 by adding after the word "shall" the words "within thirty days thereafter" and on page 2, section 1, lines 13 through 17 by deleting the words "If the actual secured party fails to send such a termination statement within thirty days after he no longer claims a security interest, he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure." The Amendment was rejected.

The Speaker vacated the Chair and Representative Fitzpatrick presided.

Representative Wathen moved the Previous Question on **HB 71.**

On the roll call, the vote was yeas 69–Alexander, Bates, Baumgardner, Buckman, Burress, C. C. Carter, Caudill, Childress, Clark, Cole, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Faulkner, Fields, Ford, Garner, Hahn, Haley, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Ostertag, Osting, Parrish, Qualls, Quinn, Rayburn, Roberts, Robinson, A. C. Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 8—Brizendine, Castle, Colley, Edmunds, Ellis, Fern, Griffin, Peniston.

HB 71 was passed and the title agreed to.

Representative Fitzpatrick moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 72 taken from the Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected. Representative Wathen moved the Previous Question on **HB** 72.

Agreed.

On the roll call, the vote was yeas 79—Alexander, Bates Baumgardner, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB** 72 was passed and title agreed to.

Representative Fitzpatrick moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table.

Agreed.

HB 73 taken from the Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected. Representative Wathen moved the Previous Question on **HB** 73.

Agreed.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Buckman, Burress, Earl Carter, Castle, Childress, Chumbler, Clark, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Brizendine. **HB 73** was passed and the title agreed to.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Constitutional Amendments: **HB 106**
Elections: **HB 123**
Fish and Game: **HB 111**
Insurance: **HB 113**
Judiciary and Judicial Council: **HB 108, HB 124**
Kentucky Statutes No. 1: **HB 120, HB 122**
Kentucky Statutes No. 3: **SB 15, SB 16, SB 31**
Mines and Minerals: **HB 115**
Municipalities No. 2: **HB 119**
Public Health: **HB 118, HB 121, SB 1, SB 2**
Public Utilities: **HB 109**
Revenue and Taxation: **HB 112**
Roads and Highways: **HB 107, HB 110, HB 117**
Ways and Means: **HB 114, HB 116, HR 26**

Introduction of Bills and Resolutions

HB 125, by Representative Isler: AN ACT relating to the office of coroner.

HB 126, by Representative Lankford: AN ACT relating to compensating court appointed attorneys in felony cases.

HB 127, by Representative Isler: AN ACT relating to group life insurance.

HB 128, by Representative Buckman: AN ACT relating to state contracts.

HB 129, by Representatives Burress, Garner, Hall and Cowherd: AN ACT relating to taxation of crude petroleum production.

HB 130, by Representative Tanner: AN ACT relating to income tax.

HB 131, by Representatives Paul Cornett, Hardwick, Reynolds, Hays, Clark, Faulkner, C. C Carter, Glen T. White, Hall, Hahn, Garner, Qualls, Hislope, John E. White, Griffin, Stidham, Castle, Robinson and Martin: AN ACT relating to trucking regulation.

HR 29, by Representative Robinson: RESOLUTION requesting the State Board of Education to lend financial assistance to schools for mentally retarded persons.

HR 30, by Representative Robinson: RESOLUTION requesting and petitioning the Governor to include in his biennial budget an appropriation for the Kentucky Association for Retarded Children.

HR 31, by Representatives Garner, Paul W. Cornett, Hahn, John E. White, Hall, Burress, Faulkner, Hardwick, Castle, Hays, Glen T. White, Clark, Hislope and Carter: RESOLUTION relating to public assistance.

HR 32, by Representatives Nichols, Hahn, Hopkins, Virgil Smith, Harris, Barton and Wathen: RESOLUTION directing the Legislative Research Commission to make a study of mosquito-control programs.

Representative Young moved that the House adjourn until 12 noon, January 27.

Agreed.

NINETEENTH LEGISLATIVE DAY

WEDNESDAY, JANUARY 27, 1960

The House was called to order by the Speaker.

Invocation by Father Joseph A. O'Dwyer of the Good Shepherd Church at Frankfort.

The roll was called. All present except Representatives Buckman, Caudill, Cottengim, Dexter, Hall, Hardwick, Lankford, Miller, Rausch, Render, Reynolds, J. D. Smith and Stidham, who were granted leave of absence on motion of Representative Isler.

Reading of the Journal for January 26 dispensed with and the same approved on motion of Representative Lyon.

Motions, Petitions and Communications

Representative Rayburn moved to recess for forty-five minutes. Rejected.

HR 34, by Representative Qualls:

HR 34, A RESOLUTION requesting and petitioning the Kentucky Medical Association to lend their aid and assistance in securing another medical doctor for Olive Hill, Kentucky.

WHEREAS, the city of Olive Hill, Kentucky is presently a growing and progressive city embracing some 5,000 residents; and

WHEREAS, Olive Hill is a trade and industrial center serving a large rural area; and

WHEREAS, there are five major industries employing hundreds of people now operating in Olive Hill; and

WHEREAS, the residents of Olive Hill and surrounding areas now have the services of only one medical doctor who cannot possible attend all those in need of his services; and

WHEREAS, it has been estimated that another medical doctor in Olive Hill would earn conservatively from $20,000.00 to $30,000.00 per year;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Kentucky Medical Association be, and it is, requested and petitioned to lend their aid and assistance in securing the services of another medical doctor for Olive Hill, Kentucky.

Section 2. That the Clerk of the House of Representatives of the General Assembly of the Commonwealth of Kentucky send a copy of this Resolution to the Kentucky Medical Association.

Representative Qualls moved to adopt **HR 34.** Adopted.

HR 33, by Representative Osting:

HR 33, A RESOLUTION making honorable mention of Mr. Carl Russman and the public service he has performed.

WHEREAS, Mr. Carl Russman of Louisville has for twenty years been president of the All Wool and Yard Wide Democratic Club; and

WHEREAS, under his devoted leadership the club has grown both in size and in the amount of benefits it provides to the causes of crippled children, old people, and other worthy causes;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That honorable mention be and it is hereby made of Mr. Carl Russman and the service he has performed.

Section 2. That the clerk be directed to send a copy of this Resolution to Mr. Russman.

ATTESTED: Chief Clerk of the House.

Representative Osting moved to adopt **HR 33.** Adopted.

Senate Message

Announcing passage of **SB 12, SB 28, SB 38** and **HR 8.**

HR 35, by Representative Osborn:

HR 35, A CONCURRENT RESOLUTION encouraging observance of the 100th Anniversary of land-grant education legislation.

WHEREAS, July 2, 1962, marks the centennial of legislation providing for the establishment of the national system of Land-Grant colleges and State universities;

WHEREAS, the Commonwealth of Kentucky has been the beneficiary of the extensive services of its Land-Grant institutions, the University of Kentucky and Kentucky State College; and

WHEREAS, there has been established a national program for recognition of the Centennial of this historic Act by the U. S. Congress;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the General Assembly of Kentucky encourages suitable statewide observance during the academic year 1961-62 of the 100th anniversary of the signing of the Land-Grant Act by President Abraham Lincoln.

Section 2. That copies of this Resolution be forwarded to the Senators and Representatives of the Congress from the Commonwealth, and to the University of Kentucky and Kentucky State College.

Representative Osborn moved to adopt **HR 35.** Adopted.

Report of Committees

Committee on Judiciary and Judicial Council reported **HB 124,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 124, AN ACT concerning service of process on nonresident motorists and service of process on motorists resident in the state who after the happening of the accident become nonresident.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 188.020 of the Kentucky Revised Statutes is re-enacted to read as follows:

Any nonresident operator or owner of any motor vehicle who accepts the privilege extended by the laws of this state to nonresidents to operate motor vehicles or have them operated within state shall, by such acceptance and by the operation of such motor vehicle within this state, make the Secretary of State the agent of himself or his personal representative for the service of process in any civil action instituted in the courts of this state against the operator or owner, or the personal representative of the operator or owner, arising out of or by reason of any accident or collision or damage occuring within this state in which the motor vehicle is involved.

Section 2. Section 188.070 of the Kentucky Revised Statutes is re-enacted to read as follows:

The provisions of KRS 188.010 to 188.060 shall apply to any operator or owner of any motor vehicle who is a resident of this state at the time any accident or collision or damage occurs and who thereafter becomes a nonresident.

Committee on Municipalities No. 2 reported **HB 119**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 119, AN ACT relating to Pension Fund's Board of Trustees in cities of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.530, paragraph 2, of the Kentucky Revised Statutes is amended to read as follows:

(2) In cities of the third class the board of trustees of the policemen's and firemen's pension fund shall be composed of the mayor, city treasurer, chief of the police department, chief of the fire department and one member each from the police and fire departments. The members from the police and fire departments shall be elected by the respective members of those departments annually by ballot, one from each department, and shall serve for one year and until their respective successors are elected and qualified. The board shall select from their number a president and a secretary.

Committee on Municipalities No. 2 reported **HB 15**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 15, AN ACT changing the classification of the city of North Middletown, in Bourbon county.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of North Middletown, in Bourbon County, is such as to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of North Middletown, in Bourbon county, is transferred from the sixth to the fifth class of cities.

Calendar

HB 50, HB 39, HB 38, HB 34, HB 33, SB 31, HB 95 and HB 1, taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 76 taken from Orders of the Day and ordered read at length for the third time. Representative Wathen moved that it be read by title only. Agreed by a majority of members elected.

Representative Wathen moved to amend **HB 76** as follows: Amend printed copy of **HB 76** on page 1, section 2, line 3 by substituting the word "judge" for the word "offender".

Agreed.

Representative Wathen moved the Previous Question on **HB 76.**

Agreed.

On the roll call, the vote was yeas 36—Barton, Baumgardner, Burress, Childress, Colley, Cook, Crecelius, Dean, Dexter, Farmer, Faulkner, Fitzpatrick, Ford, Hahn, Hall, Hardin, Harris, Hill, Hopkins, Lowman, Lyon, Miles, Moloney, L. F. Morgan, Neel, Nichols, Nolan, Osting, Qualls, Quinn, Rayburn, Roberts, Robinson, Slusher, Wood, Young. Nays 48—Alexander, Bates, Brizendine, Buckman, Charles C. Carter, Earl Carter, Castle, Chumbler, Clark, Cole, Cornett, Cowherd, Davis, Denham, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Garner, Haley, Hays, Hinkle, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Martin, Moorman, Fred Morgan, Osborn, Ostertag, Parrish, Peniston, Ray, A. C. Smith, Virgil Smith, Spurrier, Stacy, Summe, Treas, Tucker, Wathen, G. T. White and John E. White.

HB 76 was rejected.

Representative Wathen and Representative Morgan moved vote by which lost be reconsidered and lay on Clerk's Desk.

Agreed.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolution had been referred:

Insurance: **HB 127**
Judiciary and Judicial Commission: **HB 126**
Kentucky Statutes #1: **SB 33**
Kentucky Statutes #3: **HB 125** and **HB 131**
Legislative Affairs: **HB 128**
Oil and Petroleum Products: **HB 129**

Revenue and Taxation: **HB 130**
Ways and Means: **HR 29, HR 30, HR 31, HR 32, SR 17**

Introduction of Bills

HB 132, by Representative Fitzpatrick: AN ACT relating to the exemption of certain income and property from execution, attachment, garnishment, distress warrant and fee-bill and amending and revising Sections 427.010, 427.020, 427.030 and 427.040 of the Kentucky Revised Statutes relating thereto.

HB 133, by Representative Lowman: AN ACT relating to automobile racing.

HB 134, by Representative Isler: AN ACT relating to registration of voters.

HB 135, by Representative Isler: AN ACT relating to sanitation districts taxes.

HB 136, by Representative Slusher: AN ACT relating to payment of expenses to sheriffs for certain duties.

HB 137, by Representatives White, Paul W. Cornett, Hays, Castle, Charles C. Carter and Glen T. White: AN ACT relating to rural highways.

HB 138, by Representative Robinson: AN ACT relating to public utilities.

HB 139, by Representative Cook: AN ACT relating to finance and revenue of cities of the first class.

HB 140, by Representative Cook: AN ACT relating to libraries.

HB 141, by Representatives Cornett, Faulkner, Burress, Glen T. White, Ostertag, Griffin, Hays, Hardwick, Castle, John E. White, Clark, Hislope, Earl Carter, Spurrier, Rayburn, Charles Carter and Robinson: AN ACT relating to payment of a bonus to certain veterans and certain persons deriving from them, and providing the method of financing thereof, and declaring an emergency.

HB 142, by Representatives Quinn, Earl Carter, Hahn, Osting, Childress, Farmer and Baumgardner: AN ACT relating to grand jury procedure.

Representative Fields moved to suspend Rules to make motion on **HB 54.** Representative Fields moved to refer bill back to Committee.

Agreed.

Orders of the Day

HB 82 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Fields moved the Previous Question on **HB 82.**

Agreed.

On the roll call, the vote was yeas 80—Alexander, Barton, Baumgardner, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Dexter, Dobyns, Dowell, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osting, Parrish, Peniston, Quinn, Ray, Rayburn, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 82** was passed and the title agreed to.

Representative Ray moved that the House adjourn until 12 Noon, January 28.

Agreed.

TWENTIETH LEGISLATIVE DAY

THURSDAY, JANUARY 28, 1960

The House was called to order by the Speaker.

Invocation by Father Joseph A. O'Dwyer of the Good Shepherd Church of Frankfort.

The roll was called. All present except Representatives Cole, Cottengim, Hampton, Rausch, Render, Wathen and Young, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 27 dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions and Communications

Representative Caudill moved **HB 75** be recommitted. Agreed. The Speaker ruled that **HB 75** would be placed in Orders of the Day after return from Committee and take its position in line with other bills in Orders of the Day at the time.

Introduction of Resolution

HR 36 by Representative Isler:

HR 36, A RESOLUTION providing for adjournment in honor of Franklin D. Roosevelt.

WHEREAS, Franklin D. Roosevelt was one of the greatest of all Americans; and

WHEREAS, his birthday does this year fall upon Saturday;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House adjourns on Friday, January 29, it does so in honor of the memory of Franklin D. Roosevelt.

Representative Isler moved to adopt **HR 36.** Agreed.

Report of Committees

Committee on Kentucky Statutes No. 1 reported **HB 81,** with the expression of opinion that the same should pass with Committee Amendment attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 81, AN ACT relating to operator's license certificate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every license certificate shall bear a distinguishing number, the name, date of birth, resident address and a brief description of the licensee, the blood type of the licensee, a place for the signature of the licensee, which shall be affixed in the presence of the circuit clerk or his deputy, the expiration date of the license, and such other information as the department may reasonably require.

Committee on Kentucky Statutes No. 1 reported **HB 98**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 98, AN ACT relating to employes of Fire Departments in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of the fire department in cities of the second class shall be present at all fires and investigate their cause. He may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination that, in his opinion, is in danger from fires. He shall report his proceedings to the city legislative body when required.

(2) The chief shall direct and control the operations of the members of the fire department in the discharge of their duties. He shall have access to and use of all cisterns, fireplugs, the waters of the waterworks and the cisterns of private persons, for the purpose of extinguishing fires. He shall have the right to examine all cisterns, and all plugs and pipes of the waterworks, to see that they are in condition for use in case of fire. He shall have control of all buildings, hose, engines and other equipment provided for the fire department. He shall perform such other duties as the city legislative body shall, by ordinance, prescribe.

(3) The fire fighting forces of each second-class city fire department shall be divided into three platoons. Each platoon shall be on duty for twenty-four consecutive hours, after which the platoon serving twenty-four hours shall be allowed to remain off duty for forty-eight consecutive hours, except in cases of dire emergency. The chief of the fire department shall arrange the schedule of working hours to comply with the provisions of this section. The pay or rank of the members and officers of the fire department, shall not, by reason of the foregoing, be reduced.

(4) In each city of the second class all employes of the fire department shall be given not less than two weeks leave of absence annually, with full pay.

Section 2. This act shall become effective July 1, 1960.

Committee on Criminal Law reported **HB 47**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 47, AN ACT relating to conveyance of Federal prisoners to courts of this state for trial of felony prosecutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commonwealth's attorney may enter into an agreement with representatives of the Federal Government for conveyance of a Federal prisoner to a circuit court of this state to stand trial therein on a felony charge, upon condition that such prisoner shall remain in the custody of an agent of the United States and be returned to the Federal penitentiary for completion of the term of confinement there following conclusion of the trial in the circuit court, and thereafter to be returned to this state to serve any sentence imposed here. It may also be agreed that the state will bear the expense of such conveyance. The Commonwealth's attorney shall then file in the circuit court his verified petition for writ of habeas corpus ad prosequendum stating facts as to the situation of the prisoner, the charge against him and date set for trial, the necessity of securing the prisoner for trial prior to his release to due course by Federal authorities and the terms of the agreement which has been reached with such authorities. If the court deems the petition sufficient, it shall issue the writ and if the state is required to pay the expense the writ shall designate the officer to transport and guard the prisoner and such officer shall be reimbursed from the State Treasury for expenses incurred in the amount and manner provided in KRS 64.070 (1). The circuit court shall enter an order of allowance of expenses for the officer upon conclusion of the trial.

Section 2. When a material witness for the Commonwealth in a felony prosecution pending in a court of this state is confined under judgment of conviction in any Federal penal institution, the Commonwealth's attorney may enter into an agreement with the appropriate Federal authorities for conveyance of the witness at the expense of this state to the circuit court in which the trial is pending, and after trial, for return to the Federal penitentiary. The Commonwealth's attorney shall move the circuit court for an order for the attendance of the witness and shall state the situation of the prisoner, the date set for trial of the case, the importance of his testimony to the Commonwealth, and the agreement of the Federal authorities to produce the prisoner in court. The circuit court shall designate the officer to transport and guard the prisoner and such person shall be reimbursed from the State Treasury for his expenses in the amount and manner provided in KRS 64.070 (1). The circuit court shall enter an order of allowance of expenses for the officer upon conclusion of the trial.

Committee on Criminal Law reported **HB 90,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 90, AN ACT relating to injury to public property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.750 of the Kentucky Revised Statutes is amended to read as follows:

Any person who picks, pulls, digs, tears up, cuts, breaks, burns or otherwise damages any tree, shrub, flower, vine, bush or turf on the right of way of any state highway or county road or upon any land set aside, dedicated or maintained by this state as a public park or as a refuge or sanctuary for wild animals, birds or fish, or deposits, throws or leaves any trash, debris or litter upon any such public highway or public land, without having first obtained permission in writing of the engineer having charge of the maintenance of the highway, or the superintendent or custodian of the park, refuge or sanctuary shall be fined not less than ten dollars or more than one hundred dollars for each offense.

Committee on Elections reported **HB 53**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 53, AN ACT relating to voter registration and purgation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 117.810 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county boards or registration and purgation may examine the registration lists and registration books in the county clerk's office as often as they deem advisable, or the boards may proceed upon the challenge by any citizen or political executive committee having representation upon the State Board of Election Commissioners, and shall examine the registration books after the closing date of the books for registration and before any primary or regular election, for the purpose of removing from the lists or books the names of persons who have, since the date of their registration, died, moved or otherwise become disqualified to vote. If a county board of registration and purgation, upon investigation, has reasonable grounds to believe that there are names upon the registration lists or books of persons who have died, moved or otherwise become disqualified to participate in any regular, special or primary election, the board shall prepare a list of such names. When the board challenges, or upon the challenge of any citizen or political executive committee having representation upon the State Board of Election Commissioners, the registration of any voter, it shall immediately notify the voter in writing, by first-class mail, at his place of residence shown upon the registration list or book that his right to vote in the primary or regular election has been challenged and that his name will be stricken from the registra-

tion lists or books unless he appears before the board within five days from the date of the notice and shows cause why his name should not be stricken. If the voter appears and desires to be heard upon the challenge, the board shall hear and determine whether or not the name of the voter should remain upon the registration lists or books, and no name shall be stricken from the registration lists or books until the voter has been given an opportunity to be heard. If the board determines that the voter is legally registered, his name shall remain upon the registration lists or books. If after a hearing the board determines that the name of the voter is illegally or improperly upon the lists or books, it shall enter an order directing the county clerk to strike the name of the voter therefrom. If, after the notice, as herein provided, the voter fails to appear before the board and contest the challenge, it shall be prima facie evidence that his name illegally or improperly appears upon the registration lists or books, and the board, without further hearing, shall strike his name therefrom. After completing its purgation of the registration lists of a county, the board shall notify the county clerk of all names purged by it. Challenges by a committee or citizen must be made within ten days after the registration books close before a primary or general election, and shall be in writing, giving the name and address of the challenged voter and the reason therefor. The board shall then meet on the eleventh day following the closing of the books and may sit for five days, which need not be consecutive days, the last day to be not less than twenty days prior to the primary or general election.

(2) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall constitute a cause for challenge of any such person, and the board may challenge and ascertain, in the manner provided in subsection (1) of this section, such person's right to remain registered.

(3) The county board may, whenever it deems necessary, order a house-to-house canvass. The procedure shall be the same as provided in KRS 117.820 and 117.825 except that the determination to have a house-to-house canvass is in the discretion of the board, and shall only be made in such precincts as the board shall order. The compensation of the canvassers shall be fixed by the fiscal court.

(4) The registrar of vital statistics for each county shall furnish to the county clerk of his county, at least once a month, a certified report containing the names and addresses of all persons whose death, occurring in the county during the month immediately preceding, has been reported to the registrar. Each circuit clerk shall furnish to the county clerk, at least once a month, a certified report containing the names and addresses of all persons who, during the month immediately preceding, have been adjudged insane by the circuit court or convicted in that court of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report.

Immediately upon receipt of such reports of deaths, adjudications of insanity and convictions, the county clerk shall submit such information to the board who shall verify it and notify the person affected, in such written form as it adopts, at the address appearing on the registration. If no protest is filed within five days, the registration record of the person shall be cancelled. If protest is filed within that time, the clerk shall investigate the matter and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(5) When the mail notices required herein are returned unclaimed, the county board shall cause the names of the persons affected by such notices to be published in at least one issue of the newspaper with the largest circulation in the county.

Committee on Criminal Law reported **HB 65, HB 45, HB 5,** and **HB 61,** with the expression of opinion that the same should not pass.

Calendar

HB 15, HB 119 and **HB 124,** taken from the Calendar and ordered read at length for the third time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 50 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 50.** Agreed.

On the roll call, the vote was yeas 87—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays, 0. **HB 50** was passed and the title agreed to.

HB 39, taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 39.** Agreed.

On the roll call, the vote was yeas 90—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays, 0. **HB 39** was passed and title agreed to.

HB 38 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 38.** Agreed.

On the roll call, the vote was yeas 88—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Slusher, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 0. **HB** 38 was passed and the title agreed to.

HB 34 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Ray moved the Previous Question on **HB 34.** Agreed.

On the roll call, the vote was yeas 76—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Colley, Cook, Paul Cornett, Cowherd, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays, Henry, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Miles, Moloney, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rayburn, Roberts, Slusher, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB** 34 was passed and the title agreed to.

HB 33 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 33.** Agreed.

On the rool call, the vote was yeas 32—Alexander, Bates, Buckman, Colley, Cook, Crecelius, Davis, Dean, Dexter, Edmunds, Ellis, Fitzpatrick, Ford, Haley, Henry, Lyon, Miles, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Roberts, Tanner, Tucker, Wathen, J. E. White. Nays 38—Brizendine, Burress, Charles C. Carter, Castle, Childress, Chumbler, Clark, Cole, Paul W. Cornett, Cowherd, Dowell, Faulkner, Fern, Fields, Garner, Hall, Hardin, Harris, Hays, Hill, Hinkle, Houtchens, Irick, Moloney, Moorman, Osting, Qualls, Ray, Rayburn, Reynolds, Slusher, Virgil Smith, Spurrier, Steiger, Stacy, Treas, Glen T. White and Wood. **HB** 33 was rejected.

Representatives Ray and Cole moved vote by which lost be reconsidered and lay on Clerk's desk. Agreed.

SB 31 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **SB 31.** Agreed.

On the roll call, the vote was yeas 88—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Slusher, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **SB 31** was passed and the title agreed to.

Representative Cook moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table.

HB 95 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 95.** Agreed.

On the roll call, the vote was yeas 85—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Davis, Dean, Denham Dexter Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays, Henry, Hinkle, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Martin, Miles, Moloney, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rayburn, Roberts, Slusher, J. D. Smith, Virgil

Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 0. **HB 95** was passed and the title agreed to.

HB 1 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Isler moved to amend **HB 1** as follows: "Amend printed copy of **HB 1** on page 1, lines 1 through 10 inclusive by striking said lines 1-10 inclusive in their entirety and inserting in lieu thereof the following:

"Section 186.235 of the Kentucky Revised Statutes is amended to read as follows:

No motor vehicle, not next previously registered in this state, other than a new motor vehicle sold by a dealer licensed in this state, shall be registered by the county clerk unless such vehicle shall have been inspected by a sheriff of this state, or the authorized deputy of a sheriff of this state. Such officer inspecting the vehicle shall make a record of inspection upon the inspection form prescribed by the department. The applicant shall pay the sheriff a fee of one dollar for making the inspection." The Amendment was rejected.

Representative Isler moved the Previous Question on **HB 1.** Agreed. Representative Isler moved to withdraw his motion to adopt the Previous Question. Agreed.

Representative Cook moved to amend **HB 1** as follows: "Amend printed copy of **HB 1** on page 1, section 1, line 6 after the word state insert "or a Notary Public". Agreed.

On the roll call, the vote was yeas 67—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Caudill, Childress, Chumbler, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hall, Hardin, Harris, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Moloney, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Quinn, Reynolds, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 18—Burress, Earl Carter, Castle, Clark, Paul Cornett, Garner, Griffin, Hardwick, Hays, Hill, Hislope, Lankford, Fred Morgan, Neel, Qualls, Rayburn, Roberts and Stacy. **HB 1** was passed and title agreed to.

Introduction of Bills

HB 143, by Representatives Hahn, Glen T. White, Nichols, Clark, Paul Cornett, Davis, Parrish, Wathen, Crecelius, Virgil Smith, Edmunds, Hopkins, Young, Fields, Reynolds, Hampton, Tucker, Lovins, Fred Morgan, Quinn, Earl Carter, Dobyns, Baumgardner and Fitzpatrick: AN ACT relating to the territorial jurisdiction of city planning commission in cities of the third to sixth classes.

HB 144, by Representatives Lankford and Hall: AN ACT relating to reapportionment of counties into justices' districts.

HB 145, by Representative Buckman: AN ACT relating to alcoholic beverages.

HB 146, by Representatives Buckman and Houtchens: AN ACT relating to juveniles who are accused of crime.

HB 147, by Representatives Fred Morgan and Miles: AN ACT relating to social security for public employes.

HB 148, by Representatives Ford, Denham, Wathen and Neel: AN ACT relating to coroners.

Representative Ray moved that the House adjourn until 12 noon, January 29. Agreed.

TWENTY-FIRST LEGISLATIVE DAY

FRIDAY, JANUARY 29, 1960

The House was called to order by the Speaker.

Invocation by Father Joseph A. O'Dwyer of the Good Shepherd Church of Frankfort.

The roll was called. All present except Representatives Miller, Render, Robinson and Tanner, who were granted leave of absence on motion of Representative Lyon.

Representative Denham announced that Representatives Render, Robinson, and Tanner are very ill and regret their absence.

Reading of the Journal for January 28 dispensed with and the same approved on motion of Representative Isler.

Introduction of Resolutions

HR 37, by Representatives Ray, Colley, J. D. Smith, Castle, Hislope, and Slusher: A CONCURRENT RESOLUTION requesting and petitioning the Bureau of Public Roads of the United States Department of Commerce to consider the adoption of a more liberal policy with respect to the routing and approval of Federal Aid Highways.

HR 38, by Representative Hinkle: A RESOLUTION relating to a museum at Boonesboro.

HR 39, by Representative Colley:

HR 39, A RESOLUTION memorializing the Tennessee Valley Authority on the advantages of southeastern Kentucky as a power plant site.

WHEREAS, the Tennessee Valley Authority has lately disclosed plans to construct a five hundred thousand kilowatt steam power plant in either southeastern Kentucky or eastern Tennessee; and

WHEREAS, the projected plant will use 4,000,000 tons of coal annually from the eastern Kentucky field; and

WHEREAS, southeastern Kentucky is in every respect an ideal location for the plant and location there would be most economical in respect to coal transportation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Tennessee Valley Authority be respectfully reminded of the advantages of southeastern Kentucky as a location for its projected steam power plant.

Section 2. That the clerk be directed to send a copy of this Resolution to the Tennessee Valley Authority.

Representative Colley moved the adoption of **HR 39.** Agreed.

HR 40, by Representative Fern:

HR 40, A CONCURRENT RESOLUTION honoring the memory of Sidney Johnson Collins.

WHEREAS, Almighty God in the exercise of His infinite wisdom has seen fit to summon the Honorable Sidney Johnson Collins, a former member of this body, from our presence, and that of his friends and loved ones; and

WHEREAS, Sidney Johnson Collins spent his life in the service of his Commonwealth, and was a strong, staunch supporter of the Democratic Party, never wavering from its ideals and programs; and

WHEREAS, in his passing, the Commonwealth of Kentucky and the Democratic Party have lost a faithful and loyal senior citizen;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That when the House of Representatives does this day adjourn, it does so in memory of Sidney Johnson Collins.

Section 2. That the House of Representatives extends to the family of Sidney Johnson Collins and to his many friends its profound and deepest sympathy and does commend them to the solace of Almighty God.

Section 3. That a copy of this Resolution be presented to the family of Sidney Johnson Collins.

Representative Fern moved the adoption of **HR 40.** Agreed.

HR 41, by Representative Wood:

HR 41, A RESOLUTION inviting the Reverend Mr. Russ Whealdon to open the session on February 2, 1960 with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Reverend Mr. Russ Whealdon, pastor of the First Methodist Church of Walton, Kentucky be and hereby is invited to open the session of February 2, 1960, with a prayer.

Section 2. The clerk of the House of Representatives is directed to forward a copy of this Resolution to the Reverend Mr. Whealdon.

Representative Wood moved the adoption of **HR 41.** Agreed.

Senate Message

Announcing passage of **SB 23**, **SB 37**, **SB 40**, **HR 9** and **HR 10.**

Report of Committee

Committee on Kentucky Statutes No. 2 reported **HB 63** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 63, AN ACT relating to prison labor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A person convicted of desertion or failure to support under KRS 435.240 shall work at hard labor a minimum of eight hours a day for at least five days during each week of his sentence unless he is examined and certified unfit by the prison physician. Hard labor as used in this section means manual labor with simple hand tools in the construction of highways or the preparation of stone aggregate or other materials to be used by the Department of Highways.

Section 2. The Department of Welfare shall enter into contracts with the Department of Highways for the use and employment of prisoners who have been convicted and sentenced under KRS 435.240. The contracts shall specifically set forth that the Department of Welfare shall be paid at least four dollars and fifty cents but no more than five dollars per day for each prisoner used and employed, and for the payment of the expenses of transportation, housing, guarding, disciplining and maintaining the prisoners while so employed. The amount to be paid shall be certified by the contracting parties to the Department of Finance at the end of each month and shall be charged to the appropriation of the Department of Highways and credited to the budget of the Department of Welfare to be disbursed and expended as it directs except that at least four dollars and fifty cents for each day worked by the prisoner shall be paid to his dependents. Any such contract may provide for a fixed per diem compensation to be paid to the Department of Welfare for each day's work performed by the prisoner and the department shall pay, out of the per diem compensation, the expenses of transporting, guarding, disciplining, housing and maintaining prisoners as may be provided in the contracts. The contract may also provide for payments to the prisoners in the discretion of the Department of Welfare, such payments not to exceed twenty-five cents for each day's work performed by the prisoner.

Section 3. Payments to prisoners and their dependents as authorized by this section shall be made subject to the rules and regulations of the Department of Welfare, but only out of funds made available under the provisions of the particular contract under which the prisoners have been employed. The rules and regulations may provide that any infraction of the rules or of the rules governing the discipline of the prisoners, while confined within the walls of the prison, or while engaged in employment outside the prison, shall work a forfeiture of the benefits authorized in this section, either in whole or in part, in the discretion of the Department of Welfare.

Committee on Revenue and Taxation reported **HB 75** with the expression of opinion that the same should pass by way of Committee Substitute.

Committee Substitute for **HB 75**, AN ACT relating to revenue and taxation and appropriating funds for carrying out the purposes of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I

A new chapter of the Kentucky Revised Statutes is hereby created to read as follows:

Section 1. (1) This Article is known and may be cited as the "Veterans' Bonus Sales and Use Tax Law."

(2) Any and all amounts derived from the levy and collection of the taxes levied by Article I of this Act shall be appropriated and used as follows:

(a) Upon issuance and sale from time to time of bonds providing funds for purposes of paying the bonus to veterans as proposed by the General Assembly under Chapter 48, 1958 Kentucky Acts, and ratified by the electorate on November 3, 1959, there shall first be set aside out of each month's receipts such proportionate part of the next maturing principal of, and interest on, all such bonds as may then be outstanding as will provide for the payment of principal and interest when due.

(b) Monthly receipts in excess of the amounts necessary to make such provisions for the payment of the principal of and interets on all such outstanding bonds shall to the extent of such excess be credited to the general fund, except for amounts of taxes herein levied and collected upon the sale or use of motor vehicles.

Section 2. Except where the context otherwise requires, the definitions given in Sections 3 through 19 govern the construction of this Chapter.

Section 3. "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

Section 4. (1) "Gross receipts" means the total amount of the sale, lease or rental price, as the case may be, of "retail sales," or "sales at retail," valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the department may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property prior to its sale to the purchaser.

(2) The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

(3) "Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales (provided that premium or trading stamps shall not be considered as cash discounts).

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' excise or import duty) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) Sales of gasoline and special fuels subjected to tax under Kentucky Revised Statutes, Chapter 138.

(f) The sales price of any motor vehicle (including those defined under KRS 189.010 (5) and 189.010 (10), which has never been registered in Kentucky.

(4) For purposes of the sales tax, if the retailer establishes to the satisfaction of the department that the sales tax has been added to the total amount of the sale price and has not been absorbed by the retailer, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Section 5. "In this state" or "in the state" means within the exterior limits of the Commonwealth of Kentucky and includes all territory within these limits owned by or ceded to the United States of America.

Section 6. (1) "Occasional sale" includes:

(a) A sale of property not held or used by a seller in the course of an activity for which he is required to hold a seller's permit, provided such sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

(b) Any transfer of all or substantially all the property held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.

(2) For the purposes of this section, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

Section 7. "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit.

Section 8. (1) "Purchase" means any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration and includes:

(a) When performed outside this state or when the customer gives a resale certificate, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(b) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(c) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(2) "Transfer of possession," "lease," or "rental" includes only transactions found by the department to be in lieu of a transfer of title, exchange, or barter.

Section 9. (1) "Retail sale" or "sale at retail" means:

(a) A sale for any purpose other than resale in the regular course of business of tangible personal property, or

(b) The furnishing of the facilities and services mentioned in subsection (2) of this section.

(c) The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer pursuant to a retail sale made by a retailer not engaged in business in this state. The person making the delivery shall include the retail selling price of the property in his gross receipts.

(2) "Retail sale" or "sale at retail" shall include but shall not be limited to the following:

(a) The rental of any room or rooms, lodgings, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply, however, to rooms, lodgings, or accommodations supplied for a continuous period of ninety days or more to an individual.

(b) The furnishing of sewer services and intrastate telephonic and telegraphic communications and services.

(c) The sale of admissions, except, those taxed under KRS 138.480.

Section 10. (1) "Retailer" includes:

(a) Every seller who makes any "retail sale" or "sales at retail," or who furnishes any services and facilities included in Section 9 of this Article, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making more than two retail sales during any twelve month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

(d) Any person conducting a race meeting under the provision of Kentucky Revised Statutes, Chapter 230, with respect to horses which are claimed during such meeting.

(2) When the department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

Section 11. (1) "Sale" means, the furnishing of any services and facilities included in Section 9 of this Article or, any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration, and includes:

(a) The producing, fabricating, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish, either directly or indirectly, the materials used in the producing, fabricating, processing, printing or imprinting.

(b) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(c) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated or printed to the special order of the customer.

(2) "Transfer of possession," "lease," or "rental" includes only transactions found by the department to be in lieu of a transfer of title, exchange or barter.

Section 12. (1) "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

(2) The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

(3) "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales (excluding trading or premium stamps).

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturer's excise or import duty) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The value allowed for a motor vehicle, as defined by KRS 138.450, insofar as the value of such motor vehicle is included in the consideration for the concurrent purchase of another such motor vehicle, provided such value allowed does not exceed the fair market value of the motor vehicle so traded.

Section 13. "Seller" includes every person engaged in the business of selling tangible personal property or services of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.

Section 14. "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

Section 15. "Storage" and "use" do not include the keeping, retaining or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

Section 16. "Tangible personal property" means personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses and includes natural, artificial and mixed gas, electricity and water.

Section 17. "Machinery for new and expanded industry" shall mean that machinery used directly in the manufacturing process, which is incorporated for the first time into plant facilities established in this state, and which does not replace machinery in such plants.

Section 18. "Taxpayer" means any person liable for tax under this Article; "Department" means the Department of Revenue.

Section 19. "Use" includes the exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction in which possession is given, except that it does not include the sale of that property in the regular course of business.

Section 20. (1) For the privilege of making "retail sales" or "sales at retail," a tax is hereby imposed upon all retailers at the rate of three percent of the gross receipts of any retailer derived from "retail sales" or "sales at retail" made within this state after June 30, 1960.

Section 21. The taxes herein imposed may be collected by the retailer from the consumer.

Section 22. It is unlawful for any retailer to advertise or hold out or state to the the public or to any customer, directly or indirectly, that the tax levied by Section 20 of this Article or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded.

Section 23. The department is authorized to prepare suitable brackets of prices for the collection of the taxes imposed by this Article in order to eliminate fractions of one cent, and so that the aggregate collections of taxes by a retailer, so far as may be practicable, shall be equal to three percent of gross receipts or sales price, as the case may be.

Section 24. (1) Every person presently engaged or desiring to engage in or conduct business as a seller within this state shall file with the department an application for a permit for each place of business.

(2) Every application for a permit shall:

(a) Be made upon a form prescribed by the department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth such other information as the department may require.

(3) The application shall be signed by the owner if he is a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

Section 25. After compliance with Section 24 and 63 by the applicant, the department shall grant and issue to each applicant a separate permit for each place of business within the state. A permit shall not be assignable, and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

Section 26. For the purpose of the proper administration of this Article and to prevent evasion of the sales tax it shall be presumed that all gross receipts are subject to the tax until the contrary is established, The burden of proving that a sale of tangible personal property is not a "retail sale" or "sale at retail" is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

Section 27. The certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling tangible personal property and who holds the permit provided for in Section 25 of this Article, and who, at the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Section 28. (1) The certificate shall:

(a) Be signed by and bear the name and address of the purchaser.

(b) Indicate the number of the permit issued to the purchaser.

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

(2) The certificate shall be substantially in such form as the department may prescribe.

Section 29. If a purchaser who gives a certificate makes any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business, the use shall be taxable to the purchaser as of the time the property is first used by him, and the sales price of the property to him shall be deemed the measure of the tax. Only when there is an unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser. If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

Section 30. If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

Section 31. (1) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property purchased on or after July 1, 1960, for storage, use or other consumption in this state at the rate of three percent of the sales price of the property.

Section 32. Every person storing, using or otherwise consuming in this state tangible personal property purchased from a retailer is liable for the use tax levied under Section 31 of this Article. His liability is not extinguished until the tax has been paid to this state, except that a receipt from a retailer engaged in business in this state or from a retailer who is authorized by the department, under such rules and regulations as it may prescribe, to collect the tax and who is, for the purpose of this Article relating to the use tax, regarded as a retailer engaged in business in this state, given to the purchaser pursuant to Section 33 of this Article is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

Section 33. (1) Except as provided in Sections 46 and 47, every retailer engaged in business in this state and making sales of tangible personal property for storage, use or other consumption in this state, shall, at the time of making the sales, or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax levied under Section 31 of this Article from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the department.

(2) "Retailer engaged in business in this State" as used in this Article includes any of the following:

(a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly, indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property.

Section 34. A retailer is relieved from liability to collect use tax which shall become due and payable subsequent to June 30, 1960, insofar as the measure of the tax is represented by accounts which have been found to be worthless and charged off for income tax purposes. If the retailer has previously paid the amount of the tax, he may, under rules and regulations prescribed by the department, take as a deduction the amount found worthless and charged off for income tax purposes. If any such accounts are thereafter in whole or in part collected by the retailer, the amount so collected shall be included in the first return filed after such collection and the amount of the tax thereon paid with the return.

Section 35. The tax or any part thereof required by Section 33 of this Article, to be collected by the retailer constitutes a debt owed by the retailer to this state.

Section 36. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof required to be collected by the retailer under Section 33 of this Article will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded.

Section 37. The tax required to be collected by the retailer under Section 33 of this Article from the purchaser shall be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check or other proof of sales.

Section 38. Every retailer selling tangible personal property for storage, use or other consumption in this state shall register with the department and give:

(1) The name and address of all agents operating in this state.

(2) The location of all distribution or sales houses or offices or other places of business in this state.

(3) Such other information as the department may require.

Section 39. For the purpose of the proper administration of this Article and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

Section 40. The certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who is engaged in the business of selling tangible personal property and who holds the permit provided for by Section 24 of this Article, and who, at the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Section 41. (1) The certificate shall:

(a) Be signed and bear the name and address of the purchaser.

(b) Indicate the number of the permit issued to the purchaser.

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

(2) The certificate shall be substantially in such form as the department may prescribe.

Section 42. If a purchaser who gives a certificate makes any storage or use of the property other than retention, demonstration or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used. If the sole use of the property, other than retention, demonstration or display in the regular course of business, is the rental of the property while holding it for sale, the purchaser may elect to pay the tax on the use measured by the amount of the rental charged rather than the sales price of the property to him.

Section 43. If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles those goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

Section 44. It shall be presumed that tangible personal property shipped or brought to this state by the purchaser after June 30, 1960, was purchased from a retailer on or after July 1, 1960, for storage, use or other consumption in this state.

Section 45. (1) On and after July 1, 1960, it shall be further presumed that tangible personal property delivered outside of this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use or other consumption in this state and stored, used or otherwise consumed in this state.

(2) This presumption may be controverted by:

(a) A statement in writing, signed by the purchaser or his representative, and retained by the vendor, that the property was purchased for use at a designated point or points outside this state.

(b) Other evidence satisfactory to the department that the property was not purchased for storage, use or other consumption in this state.

Section 46. There are excluded from the computation of the amount of taxes imposed by this Article:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage, use or other consumption of which, this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state.

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers."

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to the time that this Act becomes a law.

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale.

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

Section 47. Any other provision of this Article to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this Article do not include the sale, use, storage, or other consumption of:

(a) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(b) Coal for the manufacture of electricity;

(c) Electrical energy used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy used exceeds three percent of the cost of production;

(d) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(e) Poultry for use in breeding or egg production;

(f) Farm work stock for use in farming operations;

(g) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be use only by those persons designated above who are so purchasing;

(h) Machinery for new and expanded industry.

Section 48. (1) The storage, use or other consumption in this state of property, the gross receipts from the sale of which are required to be included in the measure of the tax levied under Section 20 of this Article is not subject to the use tax.

(2) The storage, use, or other consumption in this state of gasoline or special fuels on which the tax under Kentucky Revised Statutes, Chapter 138, has been paid and which is not subject to refund under KRS 138.341, KRS 138.344, KRS 279.200, or KRS 279.530 shall not be subject to the use tax.

Section 49. If a purchaser certifies in writing to a seller that the property purchased will be used in a manner or for a purpose entitling the seller to exclude from the computation of the sales tax the gross receipts from the sale and uses the property in some other manner or for some other purpose, the purchaser shall be liable for payment of sales tax as if he were a retailer making a retail sale of the property at the time of such use, and the cost of the property to him shall be deemed the gross receipts from such retail sale.

Section 50. The taxes imposed by this Article are due and payable to the department monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month.

Section 51. (1) On or before the twentieth day of the month following each calendar month, a return for the preceding month shall be filed with the department in such form as the department may prescribe.

(2) For purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer engaged in business in the state and by every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax.

(3) Returns shall be signed by the person required to file the return or by his duly authorized agent but need not be verified by oath.

(4) Persons not regularly engaged in selling at retail and not having a permanent place of business, but who are temporarily engaged in selling from trucks, portable roadside stands, concessionaires

at fairs, circuses, carnivals, and the like, shall report and remit the tax on a non-permit basis, under such rules as the department shall provide for the efficient collection of the sales tax on such sales.

Section 52. (1) For the purposes of the sales tax, the return shall show the gross receipts of the seller during the preceding reporting period. For purposes of the use tax, in case of a return filed by a retailer, the return shall show the total sales price of the property sold by him, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

(2) In case of a return filed by a purchaser, the return shall show the total sales price of the property purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period.

(3) The return shall also show the amount of the taxes for the period covered by the return and such other information as the department deems necessary for the proper administration of this Article.

(4) Each retailer shall annually file a return with the department, on a form prescribed by the department, which shall include a statement of gross receipts as shown by retailer's federal income tax return for the last calendar year, or, if the retailer files his federal income tax return on a fiscal year basis, then the true copy shall be for the last completed fiscal year of the retailer. If the total receipts of the business as reported in the federal income tax return do not agree with the gross sales reported to the department for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the two amounts and the reasons for the difference. The foregoing portion of this section shall not be applicable to a corporation authorized as a corporation to do business in each of two or more states. As a part of such annual return, the retailer shall include an accurate statement of the cost of goods withdrawn from his merchandise inventory for personal use or consumption of the retailer, his family or employees, or used for payment or consideration in any contract or obligation of the retailer; also, the name and address of any certified public accountant, public accountant, accountant, bookkeeper or person engaged in any multiple bookkeeping service other than regular full time employees of the retailer, who made any entries in the books or records of the retailer or assisted, directed, counseled, or advised in the making of any books, records, or tax returns in connection with the business covered by such annual return. The department may require such additional information, including the number of paid employees and members of the retailer's family working without compensation, as it deems helpful in determining the accuracy of the monthly returns filed in accordance with this Article. Said annual return shall be filed within thirty days of the date set for the filing of the retailer's federal income tax return, and

shall be signed by the retailer. If such annual return is prepared for the retailer by any other person, the return shall so state, giving the name and address of such person and be signed by such person, and give the name of his employer, if any.

Section 53. The taxpayer shall deduct and withhold from the taxes otherwise due from him two percent thereof to reimburse himself for the cost of collecting and remitting the tax.

Section 54. The person required to file the return shall deliver the return together with a remittance of the amount of the tax due to the department.

Section 55. (1) For purposes of facilitating the administration, payment, or collection of the taxes levied by this Article, the department may, within its discretion, permit or require returns or tax payments for periods other than those prescribed by Sections 50 and 51.

(2) Notwithstanding the provisions of Section 51 of this Article, any retailer who desires to file his return on a quarterly basis shall make application in writing to the department at least ninety days prior to the due date of such quarterly return. When permitted, quarterly returns shall be filed in such manner as the department may prescribe. No retailer may change from a quarterly reporting system to monthly reporting without authorization of the department.

(3) In no case shall a retailer be permitted to file quarterly unless monthly payments for the immediately preceding month are made on the basis of taxable gross receipts or total sales price of property used, consumed, or stored, as the case may be.

Section 56. For the purposes of the sales tax, gross receipts from rentals or leases of tangible personal property shall be reported and the tax paid in accordance with such rules and regulations as the department may prescribe.

Section 57. (1) The use tax of 3 percent is hereby levied upon the storage, use or other consumption in this state of any motor vehicles, other than motor vehicles defined under the provisions of KRS 138.450, machines, machinery, tools or other equipment brought, imported or caused to be brought into this state for use in constructing, building or repairing any building, highway, street, sidewalk, bridge, culvert, sewer or water system, drainage or dredging system, electric or steam railways system, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf, excavation, grading or other improvement or structures, or any part thereof. The owner or, if the property is leased the lessee of any such motor vehicle other than motor vehicles defined under the provisions of KRS 138.450, machine, machinery, tools or other equipment shall be liable for the tax provided for in this Article, to be computed as set out below. The useful life of such motor vehicles, machines, tools or other equipment shall be determined by the department in accordance with the depreciable value permitted under Chapter 141 and regulations issued pursuant thereto. Said use tax shall be computed on the basis of such proportion of the original purchase price of such property as the duration of time of use in this state bears to the total useful life. Such tax shall become due immediately upon such property's being brought into this state, and in the absence of satisfactory evidence as to the period of use intended in this state, it shall be presumed that such property will remain in this state for the remainder of its useful life.

(2) The provisions of this section shall not be applicable with respect to sales of such property within this state or to the use, storage or consumption of such property when purchased for use in this state, and in such cases the full sales or use tax shall be paid as in all other cases, irrespective of the period of intended use in this state.

Section 58. (1) The department shall upon written request received on or prior to the due date of the return or tax, for good cause satisfactory to the department, extend the time for filing the return or paying the tax for a period not exceeding thirty days.

(2) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate of six percent per annum from the date on which the tax would otherwise have been due.

Section 59. (1) As soon as practicable after each return is received, the department shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time. A notice of such assessment shall be mailed to the taxpayer. The time herein provided may be extended by agreement between the taxpayer and the department.

(2) For the purpose of subsection (1) of this section, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

(3) When a business is discontinued, a determination may be made at any time thereafter within the periods specified in subsection (1) of this section as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this Article.

Section 60. The amount of the excess, exclusive of penalties, shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the last day of the month following the reporting period for which the amount or any portion thereof should have been remitted until the date of payment.

Section 61. In making a determination of tax liability the department may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments.

Section 62. In every case, any tax not paid on or before the due date shall bear interest at the rate of six percent per annum from the date due until the date of payment.

Section 63. (1) Whenever it is deemed necessary to insure compliance with this Article, the department may require any person subject thereto to place with it such security as the department may determine. The amount of the security shall be fixed by the department but, except as provided in subsection (2), shall not be greater than twice the estimated average liability of persons filing returns for quarterly periods or three times the estimated average liability of persons required to file returns for monthly periods, determined in such manner as the department deems proper, or $10,000, whichever amount is the lesser.

(2) In case of persons habitually delinquent in their obligations under this Article, the amount of the security shall not be greater than three times the average liability of persons filing returns for quarterly periods or five times the average liability of persons required to file returns for monthly periods, or $10,000, whichever amount is the lesser.

(3) The limitations herein provided apply regardless of the type of security placed with the department.

(4) The amount of the security may be increased or decreased by the department subject to the limitations herein provided.

(5) The department may sell the security at public auction if it becomes necessary to so do in order to recover any tax, interest or penalty due. Security in the form of a bearer bond issued by the United States or any state or local governmental unit which has a prevailing market price may, however, be sold by the department at a private sale at a price not lower than the prevailing market price thereof.

The department shall give notice of the date, time and place of the sale to the person who placed the security by certified mail addressed to him at his last known address as it appears in the records of the department, or delivery to such person.

Delivery means handing it to such person or leaving it at his place of business with the person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the place of business is closed or the person to be served has no place of business, leaving it at his dwelling house with some person of suitable age and discretion residing therein. Said notice, if by certified mail, shall be postmarked no later than ten days prior to said sale; if by delivery, said notice shall be given no later than ten days prior to said sale.

(6) Upon any sale any surplus above the amounts due shall be returned to the person who placed the security.

Section 64. If any retailer liable for any amount under this Article sells out his business or stock of goods, or otherwise quits business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the department showing that it has been paid or a certificate stating that no amount is due.

Section 65. (1) If the purchaser of a business or stock of goods fails to withhold the purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within sixty days after receiving a written request from the purchaser for a certificate, or within sixty days from the date the former owner's records are made available for audit, whichever period expires the later, but in any event not later than ninety days after receiving the request, the department shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the department of the amount that must be paid as a condition to issuing the certificate.

(2) Failure of the department to mail the notice will release the purchaser from any further obligation to withhold the purchase price as above provided.

(3) The time within which the obligation of a successor may be enforced shall start to run at the time the retailer sells out his business or stock of goods or at the time that the determination against the retailer becomes final, whichever event occurs the later.

Section 66. No credit or refund of any amount paid pursuant to the provisions of this Article shall be allowed on the ground that the storage, use or other consumption of the property is not subject to the tax levied under this Article, unless the person who paid the amount reimburses his vendor for the amount of the sales tax imposed upon his vendor with respect to the sale of the property and paid by the vendor to the state.

Section 67. The department may, in its discretion, upon application authorize the collection of the tax imposed herein by any retailer not engaged in business within this state who, to the satisfaction of the department furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued a permit to collect such tax in such manner, and subject to such regulation and agreements as the department shall prescribe. When so authorized, it shall be the duty of such retailer to collect the tax upon all tangible personal property sold to his knowledge for use within this state, in the same manner and subject to the same requirements as a retailer engaged in business within this state.

Section 68. The department shall administer the provisions of this Article and shall have all of the powers, rights, duties, and authority with respect to the assessment, collection, refunding, and administration of the taxes levied by this Article, conferred generally upon the department by the Kentucky Revised Statutes including Chapters 131, 134, and 135.

Section 69. (1) Every seller, every retailer, and every person storing, using and otherwise consuming in this state tangible personal property purchased from a retailer shall keep such records, receipts, invoices, and other pertinent papers in such form as the department may require.

(2) Every such seller, retailer, or person who files the returns required under this Article shall keep such records for not less than four years from the making of such records unless the department in writing sooner authorizes their destruction.

Section 70. In the administration of the use tax, the department may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the tax. The report shall be filed at the time specified by the department and shall contain such information as the department may require.

Section 71. (1) No judgment shall be entered and no garnishment or attachment shall be permitted by any court in this Commonwealth in an action for the collection of a debt arising out of the sale of tangible personal property unless an affidavit containing a certificate of service is executed by the plaintiff to the effect that all use taxes due the Commonwealth have been paid.

(2) Prior to the filing of the affidavit, required under subsection (1) of this section, the plaintiff (including counter-claimants or cross-claimants) shall, by first-class mail, serve upon the department a copy of the affidavit. Within fifteen days from the date of the filing of the affidavit the department may file a counter-affidavit. In such event no judgment shall be entered or garnishment or attachment issued until proof has been taken concerning the matters at issue in the affidavit and counter-affidavit.

(3) In the event the use tax levied by this Article is found to be due and unpaid the plaintiff may elect to pay the tax to the department, and the amount of the tax paid by the plaintiff shall be recovered as a part of any judgment entered. If the plaintiff does not

elect to pay the use tax found to be due and unpaid, judgment for the amount of the tax shall be awarded to the Commonwealth.

(4) Any judgment awarded to the Commonwealth under this section shall constitute a prior claim to any judgment obtained by the plaintiff.

(5) Tax as defined herein includes interest accrued thereon at the rate of six percent per annum.

(6) The provisions of this section shall not apply to a plaintiff holding a retail permit issued pursuant to this Article.

Section 72. The tax levied by Section 31 of this Article shall not apply with respect to the storage, use or other consumption of tangible personal property in this state upon which a tax substantially identical to the tax levied under Section 20 of this Article (not including any special excise taxes such as are imposed on alcoholic beverages, cigarettes and the like) equal to or greater than the amount of tax imposed by Section 31 of this Article has been paid in another state. Proof of payment of such tax shall be according to rules and regulations of the department. If the amount of tax paid in another state is not equal to or greater than the amount of tax imposed by Section 31 of this Article, then the taxpayer shall pay to the department an amount sufficient to make the tax paid in the other state and in this state equal to the amount imposed by Section 31 of this Article. No credit shall be given under this section for sales taxes paid in another state if that state does not grant credit for sales taxes paid in this state.

Section 73. Persons regularly engaged in the transportation of tangible personal property from retail outlets located outside this state and making local deliveries of such property to the personal or business residences of purchasers for storage, use or other consumption in this state, shall collect the use tax imposed by this Article. The collection of the tax shall not apply to any deliveries of tangible personal property purchased from a vendor who holds a retailer's permit issued by the department pursuant to this Article, or to the delivery of tangible personal property to a purchaser who certifies in writing, in such form as the department may prescribe, that the tax imposed by Section 31 has been paid or is not applicable. Such certifications shall be kept by the transporter for a period not less than two years and, upon reasonable request, be available to the department for inspection and copying. The tax shall be remitted and reports filed in the same manner and at the times required of retailers engaged in business in this state.

Section 74. (1) Whenever any person fails to comply with any provisions of this Article or any rule or regulation of the department relating to the provisions of this Article, the department may revoke or suspend any one or more of the permits held by the person.

(2) Any such order revoking or suspending a permit or permits shall be subject to review in the manner provided in KRS 131.110 (2), 131.120 and 131.125.

(3) The department shall not issue a new permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of this Article and the regulations relating thereto.

(4) No suit shall be maintained in any court to restrain or delay the collection or payment of any tax levied by this Article.

Section 75. If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the tax liability under this Article from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of ten percent of the amount of the tax assessed. This penalty shall be in addition to all other applicable penalties in this Article.

Section 76. If any taxpayer fails to make and file a return required by this Article on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

Section 77. If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this Article shall apply.

Section 78. If the tax imposed by this Article, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the upaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

Section 79. Any person required under the provisions of this Article or regulations adopted thereunder to furnish a statement or certificate (including the certificate referred to in Section 73 of this Article), who furnishes a statement or certificate containing any false or fraudulent statement, or who wilfully fails to furnish such a statement or certificate in the manner and at the time required under this Article and regulations, shall, for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

Section 80. Any person who gives a resale certificate for property, knowing at the time of purchase that such property is not to be resold by him in the regular course of business, for the purpose of evading the tax imposed under this Article shall, upon conviction, be subject to a fine of not less than ten nor more than one hundred dollars or imprisoned in jail for a period not exceeding thirty days, or both such fine and imprisonment.

Section 81. A person who engages in business as a seller in this state without a permit or permits as required by this Article or after a permit has been suspended, and each officer of any corporation which is so engaged in business, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, or imprisoned for not more than thirty days, or both such fine and imprisonment.

Section 82. Any person who violates any of the provisions of Sections 22, 36, 37, 67, or 73 of this Article shall, upon conviction, be subject to a fine of not less than ten nor more than one hundred dollars, or imprisoned in jail for a period not exceeding thirty days, or both such fine and imprisonment.

Section 83. Any person who violates any of the regulations promulgated by the department under Section 23 of this Article shall, upon conviction, be subject to a fine of not less than ten nor more than one hundred dollars or imprisoned in jail for a period not exceeding thirty days, or both such fine and imprisonment.

Section 84. Unless otherwise expressly provided in this Article, the exemptions provided for in any section, or sections, of the Kentucky Revised Statutes, including KRS 279.200 and 279.530, shall not be applicable with respect to the taxes levied by this Article, and to the extent such section, or sections, are inconsistent herewith, the same are hereby repealed.

Section 85. The taxes imposed by this Article shall be in addition to any excise, license, privilege or other tax imposed under existing provisions of the Kentucky Revised Statutes, including KRS 279.200 and 279.530, as amended by this Act.

ARTICLE II

Section 1. All revenue derived from taxes imposed by Article I with respect to the sale or use of motor vehicles that are propelled by other than muscular power and that are used for transportation of persons or property over the public highways of the state shall be credited in accordance with the provisions of Section 230 of the Kentucky Constitution, KRS 177.595 and Chapter 48, 1958 Acts.

Section 2. Section 138.470 of the Kentucky Revised Statutes is amended to read as follows:

There is expressly exempted from the tax imposed by KRS 138.460:

(1) Motor vehicles sold to the United States or to the Commonwealth of Kentucky.

(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period.

ARTICLE III

Section 1. Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue.

(2) "Department" means the Department of Revenue.

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 1956.

(4) "Dependent" means those persons defined as dependents under Section 152 of the Internal Revenue Code.

(5) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator or any person acting in any fiduciary capacity for any person, estate or trust.

(6) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(7) "Individual" means a natural person.

(8) "Federal income tax" means income tax paid or accrued to the United States Government on income subject to assessment and taxation under the provisions of this chapter.

(9) "Net income," in the case of taxpayers other than corporations, means "taxable income" as defined in Section 63 (a) of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Exclude the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof.

(f) Include refunds of Federal income tax.

(g) Exclude any deduction for state taxes measured by net income.

(h) Exclude any deductions for amounts allowable under KRS 140.090 (h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been allowed under KRS 140.090 (h).

(i) Exclude the deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof.

Provided that partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed.

If the taxpayer elects to deduct the standard deduction set forth in KRS 141.081, then "net income" means adjusted gross income less the standard deduction.

(10) "Net income," in the case of corporations, means "taxable income" as defined in Section 63 (a) of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stocks of banks and trust companies organized under the laws of this state.

(c) Include Federal income tax refunds.

(d) Include interest income derived from obligations of sister states and political subdivisions thereof.

(e) Exclude any deduction for state taxes measured by net income.

(f) Exclude the "net operating loss deduction."

(g) Exclude the special deductions, which relate to dividends and interest, allowable under Section 241 to 247, inclusive, of the Internal Revenue Code.

(11) "Taxable net income," in the case of corporations, means "net income" derived from business done, property located, activities or sources in this state less "Federal income tax."

(12) "Adjusted gross income" means the same as adjusted gross income defined in Section 62 of the Internal Revenue Code, adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Exclude the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof.

(f) Include refunds of Federal income tax.

Provided that partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed in determining "adjusted gross income."

(13) "Person" means and includes an individual, a fiduciary, a partnership, an employer, an employee and a corporation.

(14) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made.

(15) "Net operating loss deduction" means the deduction allowed under Section 172 of the Internal Revenue Code.

(16) "Resident" means any individual domiciled within this state.

(17) "Nonresident" means any individual not a resident of this state.

(18) "Employer" means "employer" as defined in Section 3401 (d) of the Internal Revenue Code.

(19) "Employee" means "employee" as defined in Section 3401 (c) of the Internal Revenue Code.

(20) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

(21) "Wages" means "wages" as defined in Section 3401 (a) of the Internal Revenue Code.

(22) "Payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, quarterly, semiannual, or annual payroll period.

(23) For the purpose of determining the maximum limitations of medical and dental expense deduction:

(a) "Head of household" means head of household as defined in Section 1 (b) (2) of the Internal Revenue Code.

(b) "Surviving spouse" means "surviving spouse" as defined in Section 2 (b) of the Internal Revenue Code.

(24) "Corporations" includes associations and joint stock companies.

(25) "Gross Income" means "gross income" as defined in Section 61 of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Include interest income derived from obligations of sister states or political subdivisions thereof.

(d) Include refunds of Federal income tax.

Partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed.

Section 2. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) With respect to taxable years beginning after December 31, 1960, an annual tax shall be paid for each taxable year by every resident individual of this state upon his entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3).

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at the annual tax:

(a) Twenty dollars for an unmarried individual;

(b) Twenty dollars for a married individual filing a separate return and an additional twenty dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or forty dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code;

(c) Twenty dollars credit for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars, or who is a child, as defined in Section 151 (e) (3) of the Internal Revenue Code, of the taxpayer and who (1) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (2) is a student. No exemption shall be allowed for any dependent who has made a joint return with his spouse;

(d) An additional twenty dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year;

(e) An additional twenty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(f) An additional twenty dollars credit if the taxpayer is blind at the close of the taxable year;

(g) An additional twenty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income;

(i) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars;

(j) In the case of an estate, the allowable tax credit shall be twenty dollars.

(4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(5) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the annual tax imposed by KRS 141.025 in lieu of the tax levied under this section.

Section 3. Section 141.025 of the Kentucky Revised Statutes is amended to read as follows:

With respect to taxable years beginning after December 31, 1960, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed eight thousand dollars may elect to compute his annual tax under this section. This annual tax shall be determined by deducting the tax credits authorized by KRS 141.020 (3) from the amount indicated by the following table to arrive at the annual tax:

OPTIONAL TABLE

If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be	If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be
$ 0	$ 50	$ .45	2,900	2,950	52.65
50	100	1.35	2,950	3,000	53.55
100	150	2.25	3,000	3,050	54.45
150	200	3.15	3,050	3,100	55.35
200	250	4.05	3,100	3,150	56.25
250	300	4.95	3,150	3,200	57.15
300	350	5.85	3,200	3,250	58.05
350	400	6.75	3,250	3,300	58.95
400	450	7.65	3,300	3,350	59.85
450	500	8.55	3,350	3,400	61.13
500	550	9.45	3,400	3,450	62.48
550	600	10.35	3,450	3,500	63.83
600	650	11.25	3,500	3,550	65.18
650	700	12.15	3,550	3,600	66.53
700	750	13.05	3,600	3,650	67.88
750	800	13.95	3,650	3,700	69.23
800	850	14.85	3,700	3,750	70.58
850	900	15.75	3,750	3,800	71.93
900	950	16.65	3,800	3,850	73.28
950	1,000	17.55	3,850	3,900	74.63
1,000	1,050	18.45	3,900	3,950	75.98
1,050	1,100	19.35	3,950	4,000	77.33
1,100	1,150	20.25	4,000	4,050	78.68
1,150	1,200	21.15	4,050	4,100	80.03
1,200	1,250	22.05	4,100	4,150	81.38
1,250	1,300	22.95	4,150	4,200	82.72
1,300	1,350	23.85	4,200	4,250	84.08
1,350	1,400	24.75	4,250	4,300	85.43
1,400	1,450	25.65	4,300	4,350	86.78
1,450	1,500	26.55	4,350	4,400	88.13
1,500	1,550	27.45	4,400	4,450	89.48
1,550	1,600	28.35	4,450	4,500	91.10
1,600	1,650	29.25	4,500	4,550	92.90
1,650	1,700	30.15	4,550	4,600	94.70
1,700	1,750	31.05	4,600	4,650	96.50

If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be	If Adjusted Gross Income Is Over	But Not Over	Amount Shall Be
1,750	1,800	31.95	4,650	4,700	98.30
1,800	1,850	32.85	4,700	4,750	100.10
1,850	1,900	33.75	4,750	4,800	101.90
1,900	1,950	34.65	4,800	4,850	103.70
1,950	2,000	35.55	4,850	4,900	105.50
2,000	2,050	36.45	4,900	4,950	107.30
2,050	2,100	37.35	4,950	5,000	109.10
2,100	2,150	38.25	5,000	5,050	111.00
2,150	2,200	39.15	5,050	5,100	113.00
2,200	2,250	40.05	5,100	5,150	115.00
2,250	2,300	40.95	5,150	5,200	117.00
2,300	2,350	41.85	5,200	5,250	119.00
2,350	2,400	42.75	5,250	5,300	121.00
2,400	2,450	43.65	5,300	5,350	123.00
2,450	2,500	44.55	5,350	5,400	125.00
2,500	2,550	45.45	5,400	5,450	127.00
2,550	2,600	46.35	5,450	5,500	129.00
2,600	2,650	47.25	5,500	8,000	130.00 plus 5% of excess of $5,500
2,650	2,700	48.15			
2,700	2,750	49.05			
2,750	2,800	49.95			
2,800	2,850	50.85			
2,850	2,900	51.75			

Section 4. Section 141.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an individual who is a resident of this state has become liable for income tax to another state upon all or any part of his net income for the taxable year, derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited on his return with the income tax so paid by him to the other state, upon his producing to the proper assessing officer satisfactory evidence of the fact of such payment, except that application of such credits shall not operate to reduce the tax payable under this chapter to an amount less than would have been payable were the income from the other state ignored. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of the other state, under which the income in question is subject to tax assessment, provide for a credit to the taxpayer substantially similar to that granted by subsection (2).

(2) Whenever an individual not a resident of this state has become liable for income tax to the state where he resides upon his net in-

come for the taxable year, derived from sources within this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the proportion of the tax so payable by him to the state where he resides that his income subject to taxation under this chapter bears to his entire income upon which the tax so payable to the other state was imposed, but only if the laws of the other state grant a substantially similar credit to residents of this state subject to income tax under such laws, or impose a tax upon the personal incomes of its residents derived from sources in this state and exempt from taxation the personal incomes of residents of this state. No credit shall be allowed against the amount of the tax on any income taxable under this chapter that is exempt from taxation under the laws of the other state.

(3) An individual who is not a resident of this state shall not be liable for any income tax under KRS 141.020 (5) if the laws of the state of which such individual was a resident at the time such income was earned in this state contained a reciprocal provision under which nonresidents were exempted from gross or net income taxes to such state, provided the state of residence of such nonresident individual allowed a similar exemption to resident individuals of this state. The exemption authorized by this subsection shall in no manner preclude the Department of Revenue from requiring any information reports pursuant to KRS 141.150 (2).

(4) The Commissioner of Revenue may, with the approval of the Attorney General, enter into agreements with the taxing authorities of states having income tax withholding statutes with such agreements to govern the amounts to be withheld from the wages and salaries of residents of such other state or states under the provisions of this chapter when such other state or states grant similar treatment to the residents of this state. Such agreements may provide for recognition of the anticipated tax credits allowed under this section in determining the amounts to be withheld.

Section 5. Section 141.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every individual, except as otherwise provided in this section, having for the taxable year a net income of one thousand dollars or over or a gross income of twelve hundred dollars or over, if single, or if married and not living with husband or wife and every married individual living with husband or wife whose net income combined with the net income of his or her spouse exceeds two thousand dollars, or whose gross income combined with the gross income of his or her spouse exceeds twenty-five hundred dollars, shall make to the department a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter. Any individual who is blind or who has attained the age of sixty-five before the close of his taxable year or who qualified as a head of household shall be required to make a return only if he has for the taxable year a net income which

exceeds two thousand dollars or a gross income which exceeds twenty-five hundred dollars. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

(3) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 6. Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department:

(a) Every individual having a gross income for the taxable year of twelve hundred dollars or over;

(b) Every estate the gross income of which for the taxable year is twelve hundred dollars or over;

(c) Every trust the gross income of which for the taxable year is one hundred dollars or over.

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 7. Section 141.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every individual shall, at the time prescribed in subsection (3), make a declaration of his estimated tax for the taxable year if his gross income from sources other than wages upon which Kentucky income tax will be withheld can reasonably be expected to exceed one thousand dollars for the taxable year and his gross income can reasonably be expected to be an amount not less than the amount for which a return is required under KRS 141.180, as amended by this Act.

(2) In the declaration required under subsection (1) the individual shall state:

(a) The amount which he estimates as the amount of tax under KRS 141.020 for the taxable year;

(b) The amount which he estimates as the credits for the taxable year under KRS 141.310 and KRS 141.315;

(c) The excess of the amount estimated under paragraph (a) over the amount estimated under paragraph (b), which excess for purposes of this chapter shall be considered the estimated tax for the taxable year;

(d) Such other information as may be prescribed in regulations promulgated by the department.

(3) The declaration required under subsection (1) shall be filed with the department on or before April 15 of the taxable year, except that if the requirements of subsection (1) are first met;

(a) After April 1 and before July 2 of the taxable year, the declaration shall be filed on or before July 15 of the taxable year; or

(b) After July 1 and before November 2 of the taxable year, the declaration shall be filed on or before November 15 of the taxable year; or

(c) After November 1 of the taxable year, the declaration shall be filed on or before February 15 of the succeeding taxable year.

(4) An individual may make amendments of a declaration filed during the taxable year under subsection (3), under regulations prescribed by the department.

(5) If on or before February 15 of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

(a) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such February 15, such return shall, for the purposes of this section, be considered as such declaration; and

(b) If the tax shown on the return, reduced by the credits under KRS 141.350, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (4) to be filed on or before such February 15.

(6) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(7) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(8) For the purposes of KRS 131.190, a declaration of estimated tax shall be held and considered a return of income under this chapter.

Section 8. Section 141.360 of the Kentucky Revised Statutes is amended to read as follows:

Unless the tax levied under KRS 141.310 is determined as provided in KRS 141.315, such tax shall be determined in accordance with the following tables for all payments of wages made on and after January 1, 1961.

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employe is QUARTERLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$ 300	2% of wages	0	0	0	0	0	0	0	0	0	0
300	312	4.62	.15	0	0	0	0	0	0	0	0	0
312	324	4.77	.33	0	0	0	0	0	0	0	0	0
324	336	4.95	.51	0	0	0	0	0	0	0	0	0
336	348	5.13	.69	0	0	0	0	0	0	0	0	0
348	360	5.31	.84	0	0	0	0	0	0	0	0	0
360	372	5.49	1.02	0	0	0	0	0	0	0	0	0
372	384	5.67	1.20	0	0	0	0	0	0	0	0	0
384	396	5.85	1.38	0	0	0	0	0	0	0	0	0
396	408	6.03	1.56	0	0	0	0	0	0	0	0	0
408	420	6.21	1.74	0	0	0	0	0	0	0	0	0
420	432	6.39	1.92	0	0	0	0	0	0	0	0	0
432	444	6.57	2.10	0	0	0	0	0	0	0	0	0
444	456	6.72	2.28	0	0	0	0	0	0	0	0	0
456	468	6.90	2.46	0	0	0	0	0	0	0	0	0
468	480	7.08	2.64	0	0	0	0	0	0	0	0	0
480	492	7.26	2.79	0	0	0	0	0	0	0	0	0
492	504	7.44	2.97	0	0	0	0	0	0	0	0	0
504	516	7.62	3.15	0	0	0	0	0	0	0	0	0
516	528	7.80	3.33	0	0	0	0	0	0	0	0	0
528	540	7.98	3.51	0	0	0	0	0	0	0	0	0
540	552	8.16	3.69	0	0	0	0	0	0	0	0	0
552	564	8.31	3.87	0	0	0	0	0	0	0	0	0
564	576	8.49	4.05	0	0	0	0	0	0	0	0	0
576	588	8.67	4.23	0	0	0	0	0	0	0	0	0
588	600	8.85	4.41	0	0	0	0	0	0	0	0	0
600	612	9.03	4.56	.12	0	0	0	0	0	0	0	0
612	624	9.18	4.74	.30	0	0	0	0	0	0	0	0
624	636	9.36	4.92	.48	0	0	0	0	0	0	0	0
636	648	9.54	5.10	.66	0	0	0	0	0	0	0	0
648	660	9.72	5.28	.81	0	0	0	0	0	0	0	0
660	672	9.87	5.46	.99	0	0	0	0	0	0	0	0
672	684	10.05	5.64	1.17	0	0	0	0	0	0	0	0
684	696	10.23	5.82	1.35	0	0	0	0	0	0	0	0
696	708	10.41	6.00	1.53	0	0	0	0	0	0	0	0
708	720	10.56	6.15	1.71	0	0	0	0	0	0	0	0

$ 720	$ 744	10.92	6.51	2.07	0							
744	768	11.28	6.87	2.43	0	0	0	0	0	0	0	0
768	792	11.61	7.20	2.76	0	0	0	0	0	0	0	0
792	816	11.97	7.56	3.12	0	0	0	0	0	0	0	0
816	840	12.30	7.89	3.48	0	0	0	0	0	0	0	0
840	864	12.66	8.25	3.84	0	0	0	0	0	0	0	0
864	888	12.99	8.58	4.23	0	0	0	0	0	0	0	0
888	912	13.35	8.94	4.53	.11	0	0	0	0	0	0	0
912	936	13.68	9.30	4.89	.65	0	0	0	0	0	0	0
936	960	14.04	9.63	5.37	1.19	0	0	0	0	0	0	0
960	984	14.40	9.99	5.91	1.73	0	0	0	0	0	0	0
984	1,008	14.73	10.50	6.45	2.24	0	0	0	0	0	0	0
1,008	1,032	15.12	11.01	6.96	2.78	0	0	0	0	0	0	0
1,032	1,056	15.63	11.52	7.50	3.32	0	0	0	0	0	0	0
1,056	1,080	16.17	12.06	8.04	3.83	0	0	0	0	0	0	0
1,089	1,104	16.68	12.57	8.55	4.37	.19	0	0	0	0	0	0
1,104	1,128	17.19	13.08	9.09	4.91	.70	0	0	0	0	0	0
1,128	1,152	17.67	13.62	9.63	5.45	1.24	0	0	0	0	0	0
1,152	1,176	18.18	14.13	10.17	5.96	1.78	0	0	0	0	0	0
1,176	1,200	18.66	14.64	10.68	6.50	2.32	0	0	0	0	0	0
1,200	1,260	19.92	15.96	12.03	7.94	4.03	.09	0	0	0	0	0
1,260	1,320	21.15	17.19	13.62	9.71	5.80	1.86	0	0	0	0	0
1,320	1,380	22.38	18.75	15.39	11.48	7.57	3.78	0	0	0	0	0
1,380	1,440	24.00	20.40	17.16	13.34	9.52	5.73	1.94	0	0	0	0
1,440	1,500	25.68	22.08	19.05	15.29	11.50	7.74	4.25	.76	0	0	0
1,500	1,560	27.33	23.85	21.00	17.27	13.72	10.20	6.71	3.22	0	0	0
1,560	1,620	29.13	25.71	23.01	19.67	16.18	12.66	9.17	5.68	2.16	0	0
1,620	1,680	30.96	27.66	25.41	22.07	18.64	15.12	11.63	8.14	4.62	1.13	0
1,680	1,740	32.76	29.85	27.84	24.47	21.10	17.58	14.09	10.60	7.08	3.59	.10
1,740	1,800	34.95	32.13	30.24	26.87	23.53	20.04	16.55	13.06	9.54	6.05	2.56
1,800	1,920	39.33	36.57	35.04	31.67	28.33	24.96	21.47	17.98	14.46	10.97	7.48
1,920	2,040	43.71	40.95	39.87	36.50	33.16	29.82	26.39	22.90	19.38	15.89	12.40
2,040	2,160	48.09	45.33	44.67	41.33	37.96	34.62	31.28	27.82	24.30	20.81	17.32
2,160	2,280	52.38	49.71	49.47	46.13	42.79	39.42	36.08	32.74	29.22	25.88	22.69
2,280	2,400	56.52	54.09	54.30	50.93	47.59	44.25	41.06	38.05	34.98	31.79	28.57
2,400	2,520	60.66	58.20	59.07	55.88	52.87	49.83	46.82	43.81	40.77	37.67	34.45
2,520	2,640	64.62	62.16	64.29	61.49	58.48	55.44	52.94	49.93	46.38	43.37	40.21
2,640	2,760	68.55	66.36	69.63	66.98	64.09	61.08	58.04	55.03	52.02	48.98	45.97
2,760	2,880	72.75	71.10	74.94	72.29	69.64	66.69	63.68	60.64	57.63	54.62	51.58
2,880	3,000	77.19	75.63	80.28	77.63	74.95	72.30	69.29	66.25	63.24	60.23	57.19
3,000	3,120	81.66	80.10	85.62	82.94	80.29	77.64	74.90	71.89	68.85	65.84	62.83
3,120	3,240	86.13	84.54	90.93	88.25	85.63	82.95	80.30	77.50	74.46	71.45	68.44
3,240	3,360	90.27	89.01	96.27	93.62	90.94	88.29	85.64	82.96	80.10	77.06	74.05
3,360	3,480	94.38	93.24	101.58	98.93	96.28	93.60	90.95	88.30	85.62	82.70	79.66
3.480	3.600	98.46	97.35	106.80	104.27	101.59	98.94	96.29	93.61	90.96	88.31	85.27
3,600	3,750	103,39	102.48	113.10	110.81	108.25	105.60	102.95	100.27	97.62	94.97	92.29
						4% of all over $3,750 plus						
3,750 and over		103.59	102.48	113.10	110.81	108.25	105.60	102.95	100.27	97.62	94.97	92.29

Commonwealth of Kentucky
DEPARTMENT OF REVENUE
WITHHOLDING TAX TABLES
If payroll period with respect to an employe is MONTHLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$ 100	2% of wages	0	0	0	0	0	0	0	0	0	0
100	104	1.54	.05	0	0	0	0	0	0	0	0	0
104	108	1.59	.11	0	0	0	0	0	0	0	0	0
108	112	1.65	.17	0	0	0	0	0	0	0	0	0
112	116	1.71	.23	0	0	0	0	0	0	0	0	0
116	120	1.77	.28	0	0	0	0	0	0	0	0	0
120	124	1.83	.34	0	0	0	0	0	0	0	0	0
124	128	1.89	.40	0	0	0	0	0	0	0	0	0
128	132	1.95	.46	0	0	0	0	0	0	0	0	0
132	136	2.01	.52	0	0	0	0	0	0	0	0	0
136	140	2.07	.58	0	0	0	0	0	0	0	0	0
140	144	2.13	.64	0	0	0	0	0	0	0	0	0
144	148	2.19	.70	0	0	0	0	0	0	0	0	0
148	152	2.24	.76	0	0	0	0	0	0	0	0	0
152	156	2.30	.82	0	0	0	0	0	0	0	0	0
156	160	2.36	.88	0	0	0	0	0	0	0	0	0
160	164	2.42	.93	0	0	0	0	0	0	0	0	0
164	168	2.48	.99	0	0	0	0	0	0	0	0	0
168	172	2.54	1.05	0	0	0	0	0	0	0	0	0
172	176	2.60	1.11	0	0	0	0	0	0	0	0	0
176	180	2.65	1.17	0	0	0	0	0	0	0	0	0
180	184	2.72	1.23	0	0	0	0	0	0	0	0	0
184	188	2.77	1.29	0	0	0	0	0	0	0	0	0
188	192	2.83	1.35	0	0	0	0	0	0	0	0	0
192	196	2.89	1.41	0	0	0	0	0	0	0	0	0
196	200	2.95	1.47	0	0	0	0	0	0	0	0	0
200	204	3.01	1.52	.04	0	0	0	0	0	0	0	0
204	208	3.06	1.58	.10	0	0	0	0	0	0	0	0
208	212	3.12	1.64	.15	0	0	0	0	0	0	0	0
212	216	3.18	1.70	.22	0	0	0	0	0	0	0	0
216	220	3.24	1.76	.27	0	0	0	0	0	0	0	0
220	224	3.29	1.82	.33	0	0	0	0	0	0	0	0
224	228	3.35	1.88	.39	0	0	0	0	0	0	0	0
228	232	3.41	1.94	.45	0	0	0	0	0	0	0	0
232	236	3.47	2.00	.51	0	0	0	0	0	0	0	0
236	240	3.52	2.05	.57	0	0	0	0	0	0	0	0
240	248	3.64	2.17	.69	0	0	0	0	0	0	0	0
248	256	3.76	2.29	.81	0	0	0	0	0	0	0	0

$ 256	$ 264	3.87	2.40	.92	0	0	0	0	0	0	0	0
264	272	3.99	2.52	1.04	0	0	0	0	0	0	0	0
272	280	4.10	2.63	1.16	0	0	0	0	0	0	0	0
280	288	4.22	2.75	1.23	0	0	0	0	0	0	0	0
283	296	4.33	2.86	1.41	0	0	0	0	0	0	0	0
296	304	4.45	2.98	1.51	.04	0	0	0	0	0	0	0
304	312	4.56	3.10	1.63	.22	0	0	0	0	0	0	0
312	320	4.65	3.21	1.79	.40	0	0	0	0	0	0	0
320	328	4.80	3.33	1.97	.58	0	0	0	0	0	0	0
328	336	4.91	3.50	2.13	.75	0	0	0	0	0	0	0
336	344	5.04	3.67	2.32	.93	0	0	0	0	0	0	0
344	352	5.21	3.84	2.50	1.11	0	0	0	0	0	0	0
352	360	5.39	4.02	2.68	1.28	0	0	0	0	0	0	0
360	368	5.50	4.19	2.83	1.46	.06	0	0	0	0	0	0
368	376	5.73	4.36	3.03	1.64	.23	0	0	0	0	0	0
376	384	5.89	4.54	3.21	1.82	.41	0	0	0	0	0	0
384	392	6.06	4.71	3.39	1.99	.59	0	0	0	0	0	0
392	400	6.22	4.88	3.56	2.17	.77	0	0	0	0	0	0
400	420	6.64	5.32	4.01	2.65	1.34	.03	0	0	0	0	0
420	440	7.05	5.73	4.54	3.24	1.93	.62	0	0	0	0	0
440	460	7.46	6.25	5.13	3.83	2.52	1.26	0	0	0	0	0
460	480	8.00	6.80	5.72	4.45	3.17	1.91	.65	0	0	0	0
480	500	8.56	7.36	6.35	5.10	3.83	2.58	1.42	.25	0	0	0
500	520	9.11	7.95	7.00	5.76	4.57	3.40	2.24	1.07	0	0	0
520	540	9.71	8.57	7.67	6.56	5.39	4.22	3.06	1.89	.72	0	0
540	560	10.32	9.22	8.47	7.36	6.21	5.04	3.86	2.71	1.54	.38	0
560	580	10.92	9.95	9.28	8.16	7.03	5.86	4.70	3.53	2.36	1.20	.03
580	600	11.65	10.71	10.08	8.96	7.84	6.65	5.52	4.35	3.18	2.02	.83
600	640	13.11	12.19	11.68	10.56	9.44	8.32	7.16	3.99	4.82	3.66	2.49
640	680	14.57	13.65	13.29	12.17	11.05	9.94	8.90	7.63	6.46	5.30	4.13
680	720	16.03	15.11	14.89	13.78	12.65	11.54	10.43	9.27	8.10	6.94	5.77
720	760	17.46	16.57	16.49	15.38	14.26	13.14	12.03	10.91	9.74	8.63	7.56
760	800	18.84	18.03	18.10	16.98	15.86	14.75	13.69	12.68	11.66	10.60	9.52
800	840	20.22	19.40	19.69	18.63	17.62	16.61	15.61	14.60	13.59	12.56	11.48
840	880	21.54	20.72	21.43	20.50	19.49	18.48	17.48	16.47	15.46	14.46	13.40
880	920	22.85	22.12	23.21	22.33	21.36	20.36	19.35	18.34	17.34	16.33	15.32
920	960	24.25	23.70	24.98	24.10	23.21	22.23	21.23	20.21	19.21	18.21	17.19
960	1,000	25.73	25.21	26.76	25.88	24.98	24.10	23.10	22.06	21.08	20.08	19.06
1,000	1,040	27.22	26.70	28.54	27.65	26.76	25.88	24.97	23.96	22.95	21.95	20.94
1,040	1,080	28.71	28.18	30.31	29.42	28.54	27.65	26.77	25.83	24.62	23.82	22.61
1,080	1,120	30.09	29.67	32.09	31.21	30.31	29.43	28.55	27.65	26.70	25.69	24.68
1,120	1,160	31.46	31.08	33.86	32.98	32.09	31.26	30.32	29.43	28.54	27.57	26.55
1,160	1,200	32.82	32.45	35.60	34.76	33.86	32.98	32.10	31.20	30.32	29.44	28.42
1,200	1,250	34.53	34.16	37.70	36.94	36.06	35.20	34.32	33.42	32.54	31.66	30.76
1,250 and over						4% of all over $1,250 plus						
		34.53	34.16	37.70	36.94	36.08	35.20	34.32	33.42	32.54	31.66	30.76

If the payroll period with respect to an employe is semi-monthly, tthe amount to be withheld shall be determined by multiplying the wages by two (2), applying the monthly table, and dividing the tax shown on the monthly table by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employe is WEEKLY

And the wages are		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10
		The amount of tax to be withheld shall be—										
$ 0	$ 24	2% of wages	0	0	0	0	0	0	0	0	0	0
24	26	.38	.04	0	0	0	0	0	0	0	0	0
26	28	.42	.07	0	0	0	0	0	0	0	0	0
28	30	.44	.10	0	0	0	0	0	0	0	0	0
30	32	.47	.13	0	0	0	0	0	0	0	0	0
32	34	30	.16	0	0	0	0	0	0	0	0	0
34	36	.53	.19	0	0	0	0	0	0	0	0	0
36	38	.56	.22	0	0	0	0	0	0	0	0	0
38	40	.59	.25	0	0	0	0	0	0	0	0	0
40	42	.62	.28	0	0	0	0	0	0	0	0	0
42	44	.65	.31	0	0	0	0	0	0	0	0	0
44	46	.68	.34	0	0	0	0	0	0	0	0	0
46	48	.71	.37	.02	0	0	0	0	0	0	0	0
48	50	.74	.40	.05	0	0	0	0	0	0	0	0
50	52	.76	.42	.08	0	0	0	0	0	0	0	0
52	54	.79	.45	.11	0	0	0	0	0	0	0	0
54	56	.82	.48	.14	0	0	0	0	0	0	0	0
56	58	.85	.51	.17	0	0	0	0	0	0	0	0
58	60	.88	.54	.20	0	0	0	0	0	0	0	0
60	62	.91	.57	.23	0	0	0	0	0	0	0	0
62	64	.94	.60	.26	0	0	0	0	0	0	0	0
64	66	.97	.63	.29	0	0	0	0	0	0	0	0
66	68	1.00	.65	.32	0	0	0	0	0	0	0	0
68	70	1.02	.68	.35	.01	0	0	0	0	0	0	0
70	72	1.05	.71	.38	.05	0	0	0	0	0	0	0
72	74	1.08	.74	.42	.10	0	0	0	0	0	0	0
74	76	1.11	.77	.45	.14	0	0	0	0	0	0	0
76	78	1.14	.82	.51	.19	0	0	0	0	0	0	0
78	80	1.18	.66	.55	.23	0	0	0	0	0	0	0
80	82	1.22	.90	.59	.27	0	0	0	0	0	0	0
82	84	1.26	.95	.63	.32	0	0	0	0	0	0	0
84	86	1.31	.99	.68	.36	.04	0	0	0	0	0	0
86	88	1.35	1.03	.73	.41	.09	0	0	0	0	0	0
88	90	1.39	1.08	.77	.45	.13	0	0	0	0	0	0
90	92	1.43	1.12	.62	.50	.18	0	0	0	0	0	0
92	94	1.47	1.16	.86	.54	.23	0	0	0	0	0	0

$ 94	$ 96	1.51	1.21	.90	.59	.29	0	0	0	0	0	0
96	98	1.55	1.25	.95	.64	.35	.04	0	0	0	0	0
98	100	1.60	1.29	1.00	.70	.40	.10	0	0	0	0	0
100	105	1.70	1.41	1.15	.85	.55	.25	0	0	0	0	0
105	110	1.83	1.55	1.30	1.00	.71	.41	.12	0	0	0	0
110	115	1.96	1.69	1.45	1.17	.88	.58	.31	.04	0	0	0
115	120	2.10	1.84	1.61	1.33	1.06	.78	.51	.25	0	0	0
120	125	2.25	1.99	1.78	1.53	1.27	.99	.72	.46	.19	0	0
125	130	2.40	2.15	1.99	1.73	1.47	1.19	.93	.66	.39	.11	0
130	135	2.56	2.34	2.19	1.93	1.67	1.40	1.13	.86	.60	.32	.05
135	140	2.74	2.53	2.39	2.13	1.88	1.60	1.34	1.07	.80	.52	.26
140	145	2.93	2.72	2.59	2.33	2.08	1.81	1.54	1.27	1.01	.73	.46
145	150	3.11	2.90	2.79	2.53	2.28	2.01	1.75	1.48	1.21	.93	.67
150	155	3.29	3.00	2.99	2.73	2.48	2.21	1.95	1.68	1.42	1.14	.87
155	160	3.47	3.26	3.19	2.93	2.68	2.41	2.16	1.89	1.62	1.35	1.08
160	165	3.65	3.45	3.39	3.14	2.88	2.61	2.36	2.09	1.83	1.55	1.28
165	170	3.84	3.63	3.59	3.34	3.08	2.81	2.56	2.30	2.03	1.75	1.49
170	175	4.01	3.81	3.79	3.54	3.28	3.01	2.76	2.50	2.24	1.97	1.72
175	180	4.19	3.99	3.99	3.73	3.48	3.21	2.96	2.71	2.47	2.21	1.97
180	185	4.36	4.17	4.19	3.94	3.68	3.42	3.18	2.95	2.71	2.46	2.21
185	190	4.54	4.35	4.39	4.14	3.89	3.65	3.42	3.19	2.96	2.71	2.46
190	195	4.70	4.52	4.59	4.36	4.13	3.89	3.66	3.43	3.20	2.95	2.70
195	200	4.87	4.68	4.81	4.59	4.36	4.12	3.89	3.66	3.43	3.19	2.94
200	205	5.03	4.85	5.03	4.82	4.59	4.35	4.12	3.89	3.66	3.42	3.18
205	210	5.20	5.01	5.25	5.05	4.83	4.58	4.36	4.13	3.90	3.66	3.42
210	215	5.36	5.21	5.48	5.27	5.06	4.82	4.59	4.36	4.13	3.89	3.66
215	220	5.54	5.41	5.70	5.50	5.29	5.06	4.83	4.60	4.37	4.13	3.90
220	225	5.72	5.60	5.92	5.72	5.51	5.29	5.06	4.83	4.60	4.36	4.13
225	230	5.91	5.79	6.14	5.94	5.74	5.52	5.29	5.06	4.83	4.59	4.36
230	235	6.10	5.97	6.36	6.16	5.96	5.75	5.53	5.30	5.07	4.63	4.60
235	240	6.23	6.16	6.59	6.38	6.18	5.97	5.76	5.53	5.30	5.06	4.83
240	245	6.47	6.35	6.81	6.61	6.40	6.19	5.99	5.77	5.34	5.30	5.07
245	250	6.65	6.53	7.03	6.83	6.62	6.41	6.21	6.00	5.77	5.53	5.30
250	255	6.82	6.72	7.25	7.05	6.85	6.63	6.43	6.23	6.00	5.76	5.53
255	260	7.00	6.90	7.47	7.27	7.07	6.86	6.65	6.45	6.24	6.00	5.77
260	265	7.17	7.08	7.70	7.49	7.29	7.08	6.88	6.67	6.47	6.23	6.00
265	270	7.34	7.25	7.92	7.72	7.31	7.30	7.10	6.90	6.69	6.47	6.24
270	275	7.51	7.42	8.13	7.94	7.73	7.52	7.32	7.12	6.92	6.70	6.47
275	280	7.68	7.59	8.34	8.16	7.96	7.74	7.54	7.34	7.14	6.92	6.70
280	285	7.85	7.76	8.55	8.38	8.18	7.97	7.76	7.56	7.36	7.15	6.94
285	290	8.02	7.94	8.76	8.39	8.40	8.19	7.99	7.78	7.58	7.37	7.17
290	295	8.18	8.11	8.97	8.80	8.62	8.41	8.21	8.01	7.80	7.59	7.39
295	300	8.34	8.28	9.18	9.01	8.84	8.63	8.43	8.23	8.03	7.82	7.61
300 and over						4% of all over $300 plus						
		8.34	8.28	9.18	9.01	8.84	8.63	8.43	8.23	8.03	7.82	7.61

If the payroll period is bi-weekly the amount to be withheld shall be determined by dividing the amount of wages by two (2) and applying the weekly table and multiplying such amount by two (2).

Commonwealth of Kentucky

DEPARTMENT OF REVENUE

WITHHOLDING TAX TABLES

If the payroll period with respect to an employe is DAILY

And the wages are		And the number of withholding exemptions claimed is—										
	But less	0	1	2	3	4	5	6	7	8	9	10
At least	than					The amount of tax to be withheld shall be—						
$ .00	$ 3.50	2% of wages	0	0	0	0	0	0	0	0	0	0
3.50	3.75	.06	.01	0	0	0	0	0	0	0	0	0
3.75	4.00	.06	.01	0	0	0	0	0	0	0	0	0
4.00	4.25	.06	.01	0	0	0	0	0	0	0	0	0
4.25	4.50	.07	.02	0	0	0	0	0	0	0	0	0
4.50	4.75	.07	.02	0	0	0	0	0	0	0	0	0
4.75	5.00	.07	.02	0	0	0	0	0	0	0	0	0
5.00	5.25	.08	.03	0	0	0	0	0	0	0	0	0
5.25	5.50	.08	.03	0	0	0	0	0	0	0	0	0
5.50	5.75	.08	.04	0	0	0	0	0	0	0	0	0
5.75	6.00	.09	.04	0	0	0	0	0	0	0	0	0
6.00	6.25	.09	.04	0	0	0	0	0	0	0	0	0
6.25	6.50	.10	.05	0	0	0	0	0	0	0	0	0
6.50	6.75	.10	.05	.01	0	0	0	0	0	0	0	0
6.75	7.00	.10	.05	.01	0	0	0	0	0	0	0	0
7.00	7.25	.11	.06	.01	0	0	0	0	0	0	0	0
7.25	7.50	.11	.06	.01	0	0	0	0	0	0	0	0
7.50	7.75	.11	.06	.02	0	0	0	0	0	0	0	0
7.75	8.00	.12	.07	.02	0	0	0	0	0	0	0	0
8.00	8.25	.12	.07	.02	0	0	0	0	0	0	0	0
8.25	8.50	.12	.08	.03	0	0	0	0	0	0	0	0
8.50	8.75	.13	.08	.03	0	0	0	0	0	0	0	0
8.75	9.00	.13	.08	.03	0	0	0	0	0	0	0	0
9.00	9.25	.14	.09	.04	0	0	0	0	0	0	0	0
9.25	9.50	.14	.09	.04	0	0	0	0	0	0	0	0
9.50	9.75	.14	.09	.04	0	0	0	0	0	0	0	0
9.75	10.00	.15	.10	.05	0	0	0	0	0	0	0	0
10.00	10.50	.15	.10	.06	.01	0	0	0	0	0	0	0
10.50	11.00	.16	.11	.07	.02	0	0	0	0	0	0	0
11.00	11.50	.17	.12	.08	.03	0	0	0	0	0	0	0
11.50	12.00	.18	.13	.09	.04	0	0	0	0	0	0	0
12.00	12.50	.19	.14	.10	.05	0	0	0	0	0	0	0
12.50	13.00	.20	.16	.11	.06	.01	0	0	0	0	0	0

$13.00	$13.50	.21	.17	.12	.07	.03	0	0	0	0	0	0
13.50	14.00	.22	.18	.13	.09	.04	0	0	0	0	0	0
14.00	14.50	.23	.19	.15	.10	.05	.02	0	0	0	0	0
14.50	15.00	.24	.20	.16	.12	.07	.03	0	0	0	0	0
15.00	15.50	.25	.21	.18	.13	.09	.05	.01	0	0	0	0
15.50	16.00	.27	.23	.19	.15	.10	.07	.02	0	0	0	0
16.00	16.50	.28	.24	.21	.16	.12	.08	.04	0	0	0	0
16.50	17.00	.30	.25	.22	.18	.13	.10	.06	.02	0	0	0
17.00	17.50	.31	.27	.24	.20	.15	.12	.08	.04	0	0	0
17.50	18.00	.32	.29	.26	.22	.18	.14	.10	.06	.02	0	0
18.00	18.50	.34	.30	.28	.24	.20	.16	.12	.08	.04	.01	0
18.50	19.00	.35	.32	.30	.26	.22	.19	.14	.10	.06	.03	0
19.00	19.50	.37	.34	.32	.28	.24	.21	.16	.12	.08	.05	.01
19.50	20.00	.39	.36	.34	.30	.26	.23	.19	.14	.10	.07	.03
20.00	21.00	.42	.39	.38	.34	.30	.27	.23	.18	.14	.11	.07
21.00	22.00	.46	.43	.42	.38	.34	.31	.27	.23	.18	.15	.11
22.00	23.00	.50	.47	.46	.42	.38	.35	.31	.27	.23	.19	.15
23.00	24.00	.53	.50	.50	.46	.42	.39	.35	.31	.27	.24	.19
24.00	25.00	.57	.54	.54	.50	.46	.43	.39	.35	.31	.28	.24
25.00	26.00	.60	.58	.58	.54	.50	.47	.43	.39	.35	.32	.29
26.00	27.00	.64	.61	.62	.58	.54	.51	.47	.44	.40	.37	.34
27.00	28.00	.67	.65	.66	.62	.58	.56	.52	.49	.45	.42	.39
28.00	29.00	.71	.68	.70	.67	.63	.60	.57	.53	.50	.47	.43
29.00	30.00	.74	.71	.74	.71	.68	.65	.61	.58	.54	.52	.48
30.00	31.00	.77	.75	.79	.76	.72	.70	.66	.63	.59	.56	.53
31.00	32.00	.81	.79	.83	.80	.77	.74	.71	.67	.64	.61	.58
32.00	33.00	.85	.83	.88	.85	.81	.79	.76	.72	.68	.66	.62
33.00	34.00	.88	.87	.92	.89	.86	.84	.80	.77	.73	.70	.67
34.00	35.00	.92	.90	.97	.93	.90	.88	.85	.81	.78	.75	.72
35.00	36.00	.96	.94	1.01	.98	.95	.93	.89	.86	.82	.80	.76
36.00	37.00	.99	.98	1.05	1.02	.99	.97	.94	.91	.87	.85	.81
37.00	38.00	1.03	1.01	1.10	1.07	1.04	1.01	.98	.95	.92	.89	.86
38.00	39.00	1.06	1.05	1.14	1.11	1.08	1.06	1.03	.99	.96	.94	.90
39.00	40.00	1.09	1.08	1.19	1.16	1.12	1.10	1.07	1.04	1.01	.99	.95
40.00	41.00	1.13	1.12	1.23	1.20	1.17	1.15	1.12	1.08	1.05	1.03	1.00
41.00	42.00	1.16	1.15	1.27	1.24	1.21	1.19	1.16	1.13	1.10	1.07	1.04
42.00 and over						4% of all over $42.00 plus						
		1.16	1.15	1.27	1.24	1.21	1.19	1.16	1.13	1.10	1.07	1.04

This table shall be used in calculating the proper amount to be withheld in the case of a miscellaneous payroll period.

Section 9. Section 141.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty shall be in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(5) If the tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

(6) Any person required under the provisions of KRS 141.150 or KRS 141.335 to furnish a statement required under that section who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner at the time and showing the information required under KRS 141.150 and KRS 141.335, shall for each such failure be subject to a civil penalty of ten dollars. Such penalty shall be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(7) (a) Any employer required under the provisions of KRS 141.310 or KRS 141.315 to withhold taxes on wages and make quarterly returns and payment of amounts withheld to the department, who fails to withhold such taxes, or to make such returns, or who fails to remit amounts collected to the department, shall be subject to a civil penalty equal to twenty-five percent of the amount of taxes that should have been properly withheld and paid over to the department, or ten dollars, whichever is greater, for each such failure. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(b) Any employer required to file a return under the provisions of KRS 141.330 (1) when no tax should have been properly withheld, and who fails to file the same, shall be subject to a civil penalty of ten dollars for each violation. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(8) (a) In the case of a failure to make and file a declaration of estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to wilful neglect, there shall be added to the tax six percent of each installment due. For the purposes of this subsection, the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credit allowed by KRS 141.350.

(b) Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the department has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to wilful neglect, in the case of failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the department to be due to reasonable cause and not to wilful neglect, there shall be added to the tax six percent of the unpaid amount of such installment.

(9) If eighty percent of the tax, determined without regard to the credit under KRS 141.350, in the case of individuals other than farmers exercising an election under subsection (5) of KRS 141.305, or sixty-six and two-thirds percent of such tax so determined in the case of such farmers, exceeds the estimated tax, increased by such credit, there shall be added to the tax an amount equal to such excess, or equal to six percent of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This subsection shall not apply to the taxable year in which falls the death of the taxpayer, nor shall it apply to the taxable year in which the taxpayer makes a timely payment on April 15, July 15 and November 15, of

such year, or in the case of farmers exercising an election under subsection (5) of KRS 141.305 within the last quarter, and making payment in an amount at least as great as though computed on the basis of the facts shown on his return for the preceding taxable year.

(10) Any penalty imposed by subsection (1), (2), (3), (4), (5), (6), (7), (8) or (9) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(11) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(12) In addition to the penalties herein prescribed, any taxpayer or employer, who wilfully fails to make a return or wilfully makes a false return, or who wilfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amounts collected, or any part thereof, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or confined in the penitentiary for not less than twelve months or more than five years, or both.

ARTICLE IV

Section 1. Section 136.240 and 137.060 of the Kentucky Revised Statutes are hereby repealed.

Section 2. Section 137.030 of the Kentucky Revised Statutes is amended to read as follows:

Any person paying a license fee prescribed in KRS 137.020 may credit against the amount of any taxes due under Article I of this Act with respect to charges for admissions the amount of the license fee. The credit must be taken in the same calendar year as of the issuance of the license. This shall not affect the time and manner of reporting as required under Article I of this Act.

Section 3. Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person for resale in this state cigarettes upon which the state cigarette tax has been paid, there is imposed a license fee of twenty-five dollars per annum. "Possessing" as used in this subsection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

Section 4. The fiscal court of each county is hereby given the authority to impose with respect:

(1) To each restaurant serving meals, a license fee not to exceed ten dollars per annum.

(2) To each retail outlet of soft drinks or ice cream, a license fee not to exceed five dollars per annum. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax not to exceed ten dollars per annum.

(3) To each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee not to exceed thirty dollars per annum for the first table or alley and not to exceed five dollars per annum for each additional table or alley.

(4) To each place where tobacco products are sold at retail, a license fee not to exceed ten dollars per annum.

Section 5. Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco, or any substitute for tobacco, at the rate of two and one-half cents on each twenty cigarettes or fraction thereof. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

(2) This tax shall be paid by affixing stamps in the manner and at the time set forth in this section and in KRS 138.150 to 138.200. The stamps shall be affixed to each individual package of cigarettes by the wholesaler within seventy-two hours after the cigarettes are received by him, or if received by a retailer they shall be affixed within twenty-four hours after the cigarettes are received by him. All cigarettes must be tax paid before being sold or otherwise distributed in this state.

(3) The manner and methods of affixing stamps shall be prescribed by the Department of Revenue in such a way as to enforce the provisions of KRS 138.130 to 138.200.

ARTICLE V

Section 1. To carry out the purposes of this Act there is hereby appropriated to the Department of Revenue out of the General Expenditure Fund in the State Treasury the sum of one million three hundred thousand dollars ($1,300,000) for fiscal year 1960-61 and the sum of one million one hundred thousand dollars ($1,100,000) for fiscal year 1961-62. Any unexpended balance existing at the end of fiscal year 1960-61 shall lapse in accordance with KRS 45.230.

ARTICLE VI

Section 1. If any section, subsection, clause, sentence or phrase of this Act which is reasonably separable from the remaining portions of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed the remaining portion of this Act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this Act be declared unconstitutional.

Section 2. Nothing contained in Articles I, II, or IV of this Act shall affect any liability for motor vehicle usage taxes, utility gross receipts taxes, or retail occupational license taxes arising out of the registration or use of motor vehicles, the sale of electric current, gas, or water, or the transmission of messages, or the doing of such retail business, if such sale, registration or use, transmission, or retail business occurred or was transacted prior to July 1, 1960.

Section 3. Except as otherwise provided in this Act, the provisions of this Act shall become operative immediately upon its enactment into law.

Section 4. The provisions of Articles II and IV of this Act shall become operative beginning July 1, 1960.

Section 5. The provisions of Article III, other than Section 7 thereof, shall be applicable for all taxable years beginning on or after January 1, 1961. With respect to all taxable years beginning before January 1, 1961, the provisions of Kentucky Revised Statutes, Chapter 141, as they existed immediately prior to the enactment of this Act shall remain applicable the same as though they had not been amended or repealed by Article III of this Act.

Section 6. Whereas, in order to make provision for the proper administration of Article I it is imperative that this Act take effect at the earliest possible date, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Calendar

HB 81, **HB 98**, **HB 47**, **HB 90** and **HB 53** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

Representative Ray moved that **HB 15** retain its place in Orders of the Day. Agreed.

Representative Ray moved that **HB 119** retain its place in Orders of the Day. Agreed.

Representative Ray moved that **HB 124** retain its place in Orders of the Day. Agreed.

Representative Ray moved that **HB 75** be taken from the Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of the members elected.

Representative Ray moved to amend **HB 75** by adopting the committee substitute in lieu of the original bill. Agreed.

Representative Ray moved to amend **HB 75** as follows: Amend printed copy of Committee Substitute for **HB 75** on page 20, section 47, line 10 by deleting lines 10 through 12 and substituting in place thereof the following:

"(c) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent of the cost of production;". Agreed.

Representative Ray moved the Previous Question on **HB 75.** Agreed.

Representative Ray moved that the debate on **HB 75** be extended. Agreed.

On the roll call, the vote was yeas 84—Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Hampton, Hardin, Hardwick, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 9—Alexander, Haley, Hall, Harris, Fred Morgan, Neel, Spurrier, Summe and Wathen.

HB 75 was passed and title agreed to.

Representative Alexander moved that the following statement be inserted in the Journal: Regardless of how I feel on the theory of a sales tax, I could see my way clear to voting for this bill if arrangements had been made for this supposedly free and uncontrolled General Assembly to have been given some information concerning the purposes for which the enormous amount of revenue it will raise is to be used. I am certainly an advocate of properly supporting our educational system but I have no way of knowing how much, if any, of this money is going to education. I don't believe the people of my District sent me here to cast my vote before I have been given enough information to permit me to know exactly what the situation is and I therefore vote no.

Representative Ray moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Reference of Bills and Resolutions

The Clerk reported the following bills had been referred:

Criminal Law **HB 146**

Kentucky Statutes No. 1 **HB 147**

Kentucky Statutes No. 3 **HB 134, HB 135, HB 140, HB 142, HB 144, HB 148, SB 12.**

Labor **HB 132**

Legislative Affairs **HB 133** and **HB 141**

Municipalities No. 1 **HB 139**

Public Utilities **HB 138**

Regulation of Intoxicating Liquors **HB 145**

Roads and Highways **HB 137**

Ways and Means **HB 136, HB 143, SB 28,** and **SB 38**

Introduction of Bills

HB 149, by Representatives Ellis and Irick: AN ACT relating to the qualifications for members of the police and fire departments in cities of the second and third classes.

HB 150, by Representative Cole: AN ACT relating to education, providing for a two year state college in Hardin County.

HB 151, by Representative Hinkle: AN ACT relating to spray painting equipment.

HB 152, by Representatives Moorman, Rayburn and Tucker: AN ACT relating to anhydrous ammonia.

HB 153, by Representatives Rausch, Baumgardner, Childress, Crecelius, Farmer, Osting, Quinn, and Steiger: AN ACT relating to appeals from inferior courts to the circuit courts and amending Section 362 of the Code of Practice in Criminal Cases.

HB 154, by Representatives Miller, Baumgardner, Childress, Crecelius, Farmer, Miller, Osting, Quinn, Rausch and Steiger: AN ACT relating to motor vehicle offenses.

HB 155, by Representatives Rausch, Baumgardner, Childress, Crecelius, Farmer, Osting, Quinn and Steiger: AN ACT relating to procedure in cases of violation of motor vehicle laws.

HB 156, by Representative Henry: AN ACT relating to inspection of airplane baggage.

HB 157, by Representatives Burress, Earl Carter, Paul W. Cornett, Faulkner and Hall: AN ACT relating to Greensburg Courthouse.

HB 158, by Representatives Clark, Burress, Earl Carter, Castle, Cook, Paul W. Cornett, Crecelius, Faulkner, Hays, Hislope, Osborn, Glen T. White and John E. White: AN ACT relating to fishing licenses.

HB 159, by Representatives Hislope, Charles C. Carter, Earl Carter, Castle, Clark, Griffin, Hardwick, Hays, Martin, Haley, Osborn, Ostertag, Stidham, Glen T. White and John E. White: AN ACT relating to the Legislative Research Commission.

HB 160, by Representatives Reynolds, Hays, and Stidham: AN ACT relating to the terms of court in the twenty-third judicial district.

HB 161, by Representative Young: AN ACT relating to state aid for the construction, reconstruction improvements and maintenance of county roads located within suburbs and making an appropriation therefor.

HB 162, by Representatives Denham, Fields and Fern: AN ACT relating to the terms of court in the Nineteenth Judicial District.

Representative Hopkins moved that the House adjourn until 6:00 p.m., Monday, February 1. Agreed.

TWENTY-SECOND LEGISLATIVE DAY

MONDAY, FEBRUARY 1, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church.

The roll was called. All present except Buckman, Burress, Earl Carter, Caudill, Cook, Cottengim, Dowell, Farmer, Hall, Hampton, Hardin, Houtchens, Lankford, L. F. Morgan, Neel, Rayburn, J. D. Smith, Tanner, Wathen and Young, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for January 29 dispensed with and the same approved on motion of Representative Isler.

Representative Miller announced Public Hearing Wednesday, February 10, at 10:00 A.M. on **HB 85.**

Calendar

HB 63 was taken from the Calendar and ordered read at length for the second time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 15 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Hinkle moved the Previous Question on **HB 15.** Agreed.

On the roll call, the vote was yeas 75—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Ford, Garner, Hahn, Haley, Harris, Hays Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Penniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 15** was passed and title agreed to.

HB 119 was taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Dexter moved the Previous Question on **HB 119.** Agreed.

On the roll call, the vote was yeas 72—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Harris, Hays, Henry, Hill, Hinkle, Hopkins, Irick, Isler, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 119** was passed and title agreed to.

HB 124 was taken from Orders of the Day and ordered read at length for the third time. Representative Nichols moved that it be read by title only. Agreed by a majority of members elected. Representative Nichols moved the Previous Question on **HB 124.** Agreed.

On the roll call, the vote was yeas 69—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Harris, Hays, Henry, Hill, Hinkle, Hopkins, Isler, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 124** was passed and title agreed to.

Representative Ray moved that **HB 81** retain its place in Orders of the Day. Agreed.

Representative Fitzpatrick moved that **HB 98** retain its place in Orders of the Day. Agreed.

Representative Ray moved that **HB 47** retain its place in Orders of the Day. Agreed.

Senate Message

Announcing passage of **SB 44.**

Orders of the Day

HB 90 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Edmunds moved the Previous Question on **HB 90.** Agreed.

On the roll call, the vote was yeas 75—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB** 90 was passed and title agreed to.

HB 53 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Nichols moved the Previous Question on **HB 53.** Agreed.

On the roll call, the vote was yeas 65—Alexander, Barton, Bates, Baumgardner, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fields, Fitzpatrick, Ford, Hahn, Haley, Harris, Hays, Henry, Hill, Hopkins, Irick, Isler, Lovins, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Robinson, Slusher, Virgil Smith, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 3—Fern, Parrish, and A. C. Smith. **HB 53** was passed and title agreed to.

HB 47 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 47.** Agreed.

On the roll call, the vote was yeas 76—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lovins, Lyon, Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 47** was passed and title agreed to.

Representative Henry moved to recess for ten minutes for Committee Meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Henry moved that the Rules be suspended for Committee Report. Agreed.

Report of Committee

Committee on Ways and Means reported **HB 84** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 84, AN ACT relating to circuit court districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created the Forty-seventh Judicial District of Kentucky, which shall be composed of Letcher County.

Section 2. The present circuit judge and commonwealth's attorney in the Thirty-third Judicial District, as now constituted, shall retain the offices during the term of office for which they were elected or appointed.

Section 3. The offices of circuit judge and commonwealth's attorney for the new judicial district created by this Act, being the Forty-seventh Judicial District, are hereby established. The Governor shall appoint and commission a circuit judge and commonwealth's attorney for this disrtict, each of whom shall hold his office until his successor is elected and qualified pursuant to the provisions of Section 152 of the Constitution of Kentucky.

Section 4. Section 23.040 of the Kentucky Revised Statutes is amended to read as follows:

The State is divided into forty-seven circuit court districts, each to be composed of the following counties:

(1) First District. Ballard, Carlisle, Fulton, Graves and Hickman.
(2) Second District. McCracken.
(3) Third District. Christian, Lyon and Trigg.
(4) Fourth District. Caldwell, Crittenden and Hopkins.
(5) Fifth District. Henderson, Union and Webster.
(6) Sixth District. Daviess.
(7) Seventh District. Logan, Simpson and Todd.
(8) Eighth District. Allen and Warren.
(9) Ninth District. Hardin.
(10) Tenth District. Bullitt, Hart, Larue and Nelson.
(11) Eleventh District. Green, Marion, Taylor and Washington
(12) Twelfth District. Anderson, Henry, Oldham, Shelby, Spencer and Trimble.
(13) Thirteenth District. Boyle, Garrard, Lincoln and Mercer.
(14) Fourteenth District. Bourbon, Franklin, Scott and Woodford.
(15) Fifteenth District. Boone, Carroll, Gallatin, Grant and Owen.
(16) Sixteenth District. Kenton.
(17) Seventeenth District. Campbell.
(18) Eighteenth District. Harrison, Nicholas, Pendleton and Robertson.
(19) Nineteenth District. Bracken, Fleming and Mason.

(20) Twentieth District. Greenup and Lewis.
(21) Twenty-first District. Bath, Menifee, Montgomery and Rowan.
(22) Twenty-second District. Fayette.
(23) Twenty-third District. Estill, Lee and Owsley.
(24) Twenty-fourth District. Lawrence, Johnson and Martin.
(25) Twenty-fifth District. Clark, Jessamine and Madison.
(26) Twenty-sixth District. Harlan.
(27) Twenty-seventh District. Knox and Laurel.
(28) Twenty-eighth District. Pulaski and Rockcastle.
(29) Twenty-ninth District. Adair, Casey, Cumberland and Monroe.
(30) Thirtieth District. Jefferson.
(31) Thirty-first District. Floyd.
(32) Thirty-second District. Boyd.
(33) Thirty-third District. Perry.
(34) Thirty-fourth District. Whitley and McCreary.
(35) Thirty-fifth District. Pike.
(36) Thirty-sixth District. Magoffin and Knott.
(37) Thirty-seventh District. Carter, Elliott and Morgan.
(38) Thirty-eighth District. Butler, Edmondson, Ohio and Hancock.
(39) Thirty-ninth District. Breathitt, Wolfe and Powell.
(40) Fortieth District. Clinton, Russell and Wayne.
(41) Forty-first District. Clay, Jackson and Leslie.
(42) Forty-second District. Galloway, Livingston and Marshall.
(43) Forty-third District. Barren and Metcalfe.
(44) Forty-fourth District. Bell.
(45) Forty-fifth District. Muhlenberg and McLean.
(46) Forty-sixth District. Breckinridge, Grayson and Meade.
(47) Forty-seventh District. Letcher.

Section 5. Subsection (33) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

Thirty-third District. Perry County, at Hazard, on the third Monday in February, the third Monday in May, the first Monday in September and the second Monday in November, twenty-four juridical days each.

Section 6. A new subsection of Section 23.050 of the Kentucky Revised Statutes is hereby created to read as follows:

(47) Forty-seventh District. Letcher County, at Whitesburg, on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October, twenty-four juridical days each.

Introduction of Bills

HB 163, by Representatives Childress and Moloney: AN ACT to promote better understanding between the races, discourage discrimination, and to establish a commission on Human Rights, designating the members thereof defining its duties and powers, and making an appropriation thereto.

HB 164, by Representatives Hinkle and Hopkins: AN ACT relating to the establishment, operation and regulation of independent business schools.

HB 165, by Representatives Wathen, Hinkle, Haley, Steiger, Isler, Cook, Osborn, Moloney, Alexander, Fitzpatrick, Baumgardner, Osting, Crecelius, Parrish and Childress: AN ACT relating to determining the amount distributable to each school district from the Public School Foundation Program Fund.

HB 166, by Representatives Moorman, Dean, Hill, White and Tucker: AN ACT relating to electric utilities.

HB 167, by Representatives Isler: AN ACT changing the classification of the City of Fort Wright, in Kenton County.

HB 168, by Representatives Ford, Nichols, Neel, Buckman, Wathen, Haley, Colley, Fitzpatrick, Ellis and Denham: AN ACT providing for the orderly review of the provisions of the Constitution of the Commonwealth, and making an appropriation, and declaring an emergency.

HB 169, by Representative Osborn: AN ACT relating to milk and cream.

HB 170, by Representative Fred S. Morgan: AN ACT relating to the humane slaughtering of livestock.

HB 171, by Representative Lyon: AN ACT relating to terms of circuit courts.

HB 172, by Representative Lyon: AN ACT relating to the offense of petit larceny.

HB 173, by Representative Osborn: AN ACT relating to temporary courthouse facilities.

HB 174, by Representative Dexter: AN ACT relating to officers and employees of cities of the third class.

Representative Ray moved that the House adjourn until 12 Noon, February 2. Agreed.

TWENTY-THIRD LEGISLATIVE DAY

TUESDAY, FEBRUARY 2, 1960

The House was called to order by the Speaker.

Invocation by Reverend J. R. Whealdon of the Methodist Church of Walton, Kentucky.

The roll was called. All present except Representatives Buckman, Burress, Earl Carter, Cook, Cottengim, Dowell, Farmer, Hall, Hampton, Hardin, Houtchens, Caudill, Lankford, Luther F. Morgan, Neel, Rayburn, J. D. Smith, Tanner, Wathen and Young, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 1 dispensed with and the same approved on motion of Representative Isler.

Report on Enrolled Bill

Committee on Enrollment reported that **SB 31** had been examined and found correctly enrolled. **SB 31** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Report of Committees

Committee on Public Health reported **HB 46**, with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 46**, AN ACT relating to the treatment or cure of cancer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, "cancer" means all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

Section 2. No person, other than a licensed medical or osteopathic physician, or dentist, shall in any manner hold himself out to any other person as being able to prescribe treatment for, or cure the disease of cancer.

Section 3. No person, other than a licensed medical or osteopathic physician, or dentist, shall in any manner undertake to treat, or prescribe for the treatment of the disease of cancer.

Section 4. No person shall sell or offer to sell, or give away or offer to give away, except upon the prescription of a licensed medical or osteopathic physician, or dentist, any drug, medicine, compound, nostrum or device which is represented by the manufacturer or seller thereof to have curative powers when used in the treatment of the disease of cancer.

Section 5. (1) It shall be the duty of the Department of Health to enforce the provisions of this Act, and for that purpose the investigators, inspectors, representatives and agents of the State Board of Health and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

(2) The Board may institute, in its own name, proceedings to enjoin and restrain violations of this Act, regardless of whether the defendant has been convicted of violation of the penal provisions thereof, and shall not be required to pay any costs or filing fees or furnish any bond in connection therewith. Violation of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury, and the court's discretion concerning the degree of punishment shall not be subject to the provisions of KRS 432.260.

Section 6. Nothing contained herein shall be construed to impose any limitation upon the free exercise of religion in this state.

Section 7. Any person who violates any provision of this Act shall, upon first offense, be fined not less than $1,000 nor more than $5,000, or confined in the county jail for not less than thirty days nor more than twelve months, or both. Each subsequent violation of any provision of this Act shall constitute a felony and be punishable by a fine of not less than $3,000 nor more than $10,000, or by imprisonment in the penitentiary for not less than one nor more than three years, or both.

Committee on Public Health reported **HB 54, SB 1, SB 2** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 54, AN ACT relating to the treatment of patients having histoplasmosis or other fungus diseases in the state tuberculosis hospitals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The State Tuberculosis Hospital Commission is authorized to accept and treat patients having histoplasmosis or other pulmonary fungus diseases in the state tuberculosis hospitals insofar as permitted by available facilities not fully utilized in the treatment of tuberculosis patients.

SB 1, AN ACT relating to county health boards, and amending KRS 212.020.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 212.020 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Health shall appoint three intelligent and discreet licensed and practicing physicians and one intelligent and discreet licensed and practicing dentist residing in each county who, together with the county judge and one person appointed by the fiscal court in each county, shall constitute a local board of health for the respective counties in which they reside. In the event a county does not have three qualified licensed and practicing physicians or one qualified licensed and practicing dentist residing therein, the State Board of Health may appoint a resident lay person in lieu thereof for each such vacancy. The members of the local board shall hold office for a term of two years from the date of their appointment, and until their successors are appointed. The members of the board shall receive no compensation for their services.

SB 2, AN ACT relating to the State Board of Health, and amending KRS 211.040.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 211.040 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a State Board of Health, consisting of ten members, each of whom must be licensed in this state to practice the profession required of him by this section as a qualification for membership. The Board shall be a continuation of the board appointed under Chapter 120 of the acts of 1920. Nine of the members shall be appointed by the Governor, by and with the advice of the Senate. The Commissioner of Health shall constitute the tenth member. One member of the board shall be a registered pharmacist, and shall be appointed from a list of three names submitted by the Kentucky Pharmaceutical Association. One member shall be a licensed dentist and shall be appointed from a list of three names submitted by the Kentucky Dental Association. One member shall be a licensed osteopath and shall be appointed from a list of three names submitted by the Kentucky Osteopathic Association. All other members shall be licensed medical physicians and shall be appointed from a list of three names submitted for each position by the Kentucky State Medical Association. If the board elects one of its members as Commissioner of Health, the Governor shall appoint another member to complete the full number of the board. No member of the board, except the Commissioner of Health, shall be a stockholder or member of the faculty or board of trustees of any medical or dental college.

Calendar

HB 84 was taken from the Calendar and ordered read at length for the second time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 81 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Hahn moved to amend **HB 81** as follows: "Amend printed copy of HB #81 on page 1, line 3 by deleting the words "the blood type of the licensee" and inserting the words "a space in which the blood type of the licensee may be recorded."

Representative Harris moved the Previous Question on **HB 81.**

On the roll call, the vote was yeas 79—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Crescelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hall, Hampton Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Render, Reynolds, Roberts, Robinson, Slusher, Virgil Smith, Steiger, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 6—Castle, Paul W. Cornett, Garner, Griffin, Hays, Hislope. **HB 81** was passed and the title agreed to.

Representative Ray moved that **HB 98** retain its place in Orders of the Day. Agreed.

Representative Ray moved that **HB 63** be taken from the Orders of the Day and placed on passage. Agreed. Representative Caudill moved the Previous Question on **HB 63.** Agreed.

On the roll call, the vote was yeas 82—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Isler, Lankford, Lovins, Lyon, Martin, Miles, Miller, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 3—Ellis, Irick and A. C. Smith. **HB 63** was passed and the title agreed to.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Agriculture: **HB 169, HB 152** and **HB 166**
Appropriations: **HB 157** and **HR 38**
Charitable, Penal and Reformatory Institutions: **SB 44**
Courts and Legal Procedure: **HB 171** and **SB 40**
Criminal Law: **HB 172, HB 153, HB 154** and **HB 155**
Executive Affairs: **HB 167**
Fish and Game: **HB 158**
Insurance: **SB 23**
Judiciary and Judicial Council: **HB 160, HB 162** and **HB 164**
Kentucky Statutes #3: **HB 173, HB 168, HB 165, HB 163, HB 150** and **HB 149**
Legislative Affairs: **HB 159**
Municipalities No. 2: **HB 174**
Public Health: **HB 170**
Roads and Highways: **HB 161**
Ways and Means: **HB 151, HB 156** and **SB 37**

Introduction of Bills and Resolutions

HR 43, by Representatives Hislope and Castle:

HR 43, A RESOLUTION requesting a safety belt for the chair of the Speaker of the House of Representatives.

WHEREAS, the great chair of the Speaker is built to so easily sway, turn, or tilt in any direction; and

WHEREAS, the Speaker violently and strenuously exerts himself to maintain his equilibrium; and

WHEREAS, the balanced position of the Speaker in the chair is as difficult to maintain as the perch of a bird on a tender twig swayed by a strong wind; and

WHEREAS, the Speaker, on more than one occasion, has almost spilled his equilibrium, fallen upon his face, shaken his honor, and bruised his dignity before this august body; and

WHEREAS, the safety, the dignity, and the honor of the Speaker is of the utmost concern of this house.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That a safety belt of ground hog hide, for the Speaker's safety, be attached to his chair, said ground hog to be caught by his honor the gentleman from Johnson County. The belt to be ten inches wide and to be fashioned, processed, tanned and hand rubbed by their honors the gentlemen from Rockcastle and Jackson Counties.

Section 2. The processors of the raw hide belt shall also forge and fashion four great buckles of iron to attach the safety belt to the

Speaker's chair, so fashioned and designed that the two buckles of iron, on the right will disattach when his honor desires to rise. When the speaker again resumes his seat the sergeant at arms will place the raw hide safety belt around the Speaker and securely buckle him in the chair.

Representative Hislope moved the adoption of **HR 43.**

On the roll call, the vote was yeas 68—Barton, Bates, Baumgardner, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Colley, Paul Cornett, Crecelius, Dexter, Dobyns, Dowell, Edmunds, Farmer, Faulkner, Fields, Fitzpatrick, Ford, Garner, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Isler, Lankford, Lovins, Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Young. Nays 15—Brizendine, Clark, Davis, Dean, Denham, Ellis, Hahn, Harris, Irick, Lyon, Murphy, Neel, Osting, Steiger and Wood. **HR 43** was passed and the title agreed to.

HR 42, by Representatives Ellis, Irick, Denham, Brizendine, Barton, Edmunds, Slusher, Lyon, Lankford and Childress: A RESOLUTION to change the site of the William Goebel statute from the New to the Old State Capitol.

HR 44, by Representatives Qualls, Hardin, Lowman, Fern and Hinkle: A RESOLUTION commending the Kentucky Press Association and congratulating Dr. Adron Doran.

HR 44, A RESOLUTION commending the Kentucky Press Association and congratulating Dr. Adron Doran.

WHEREAS, Dr. Adron Doran served four terms as a member of the Kentucky House of Representatives; and

WHEREAS, he served one term as Speaker of the House; and

WHEREAS, he received his educational training in the public schools and colleges of Kentucky and has devoted his adult life to the service of public education in the Commonwealth; and

WHEREAS, the Kentucky Press Association at the January 30 annual meeting honored Dr. Doran as the "Kentuckian of the Year";

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Kentucky Press Association be commended for its selection, and Dr. Doran be congratulated for this great honor and for his contributions toward the development of Morehead State College and public education in Kentucky.

Representative Qualls moved to adopt **HR 44.** Agreed.

HB 175, by Representative Albert C. Smith: AN ACT relating to the marketing of eggs.

HB 176, by Representatives Colley, Chumbler, Tucker, Fitzpatrick and Robinson: AN ACT relating to natural gas.

HB 177, by Representative Slusher: AN ACT relating to manner of voting by the blind.

HB 178, by Representative Colley: AN ACT relating to the county board of health.

HB 179, by Representative Chumbler: AN ACT relating to perpetual care-type cemeteries.

HB 180, by Representative Ray: AN ACT relating to additional appropriations for various agencies of State Government for the fiscal year 1959-60.

HB 181, by Representative Ray: AN ACT relating to payment of valid prior year claims.

HB 182, by Representatives Render, Burress, Castle, Caudill, Chumbler, Clark, Cook, Paul W. Cornett, Cowherd, Denham, Ellis, Faulkner, Fitzpatrick, Garner, Hahn, Hall, Hardwick, Hays, Hislope, Hopkins, Lyon, Miller, Moorman, Fred Morgan, Luther F. Morgan, Nolan, Qualls, Quinn, Rausch, Slusher, Summe and G. T. White: AN ACT relating to financial responsibility of motor vehicle owners.

HB 183, by Representatives Hopkins and Hahn: AN ACT relating to the terms of court in the forty-fifth judicial district.

HB 184, by Representatives Young, Albert C. Smith and Virgil Smith: AN ACT permitting fiscal courts to provide liability and indemnity insurance.

HB 185, by Representative Garner, Clark and Qualls: AN ACT relating to absent voting.

HB 186, by Representatives Quinn, Earl Carter, Rausch and Hahn: AN ACT relating to the payment of expenses of certain stenographic reporters.

HB 187, by Representatives Quinn, Earl Carter, Rausch and Hahn: AN ACT relating to special court reporters.

Senate Message

Announcing passage of **SB 26, SB 41, SB 50, SB 52, SB 53, SB 54** and **HB 62.**

Representative Miller changed date of Public Hearing for **HB 85** to February 4, 10:00 A.M. Representative Fitzpatrick announced Public Hearing on **HB 74** on February 11, 9:00 A.M.

Representative Treas moved to suspend Rules to make motion on **HB 85.** Agreed. Representative Treas moved to hold Public Hearing on **HB 85** on February 10, 10:00 A.M.

On the roll call, the vote was yeas 34—Alexander, Barton, Burress, C. C. Carter, Earl Carter, Castle, Clark, Colley, Paul Cornett, Davis, Dean, Denham, Fern, Fields, Garner, Hahn, Hall, Hardin, Hays, Hinkle, Hislope, Fred Morgan, L. F. Morgan, Neel, Parrish, Render, A. C. Smith, Virgil Smith, Spurrier, Summe, Treas, G. T. White, Ostertag. Nays 41—Baumgardner, Caudill, Childress, Cole, Cook, Cowherd, Crecelius, Dexter, Dobyns, Edmunds, Ellis, Farmer, Fitzpatrick, Haley, Hampton, Henry, Hill, Houtchens, Isler, Lankford, Lyon, Miller, Moloney, Moorman, Nolan, Osborn, Osting, Peniston, Quinn, Rausch, Ray, Reynolds, Roberts, Robinson, Slusher, Steiger, Stidham, Stacy, Tucker, Wathen, John E. White. The motion to hold a public hearing February 10 was rejected.

Representative Ray moved to adjourn until February 3, 12:00 Noon.

TWENTY-FOURTH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 3, 1960

The House was called to order by the Speaker.

Invocation by Reverend J. Carter Roberts of the Church of the Nazarene of Frankfort.

The roll was called. All present except Representatives Buckman, Childress, Cole, Cook, Cottengim, Farmer, Moloney, Moorman, J. D. Smith and Wood, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 2 dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions, and Communications

Representative Robinson announced had he not been absent because of illness he would have voted "aye" on **HB 75.**

Representative Cornett moved that **HB 85** be taken from Legislative Affairs Committee and transferred to Veterans and Military Affairs.

On the roll call, the vote was yeas 22—Burress, C. C. Carter, Earl Carter, Castle, Clark, Paul Cornett, Faulkner, Garner, Griffin, Haley, Hall, Hardwick, Hislope, Martin, Qualls, Rayburn, Render, Robinson, Virgil Smith, Spurrier, Summe, G.T.White. Nays 49—Bates, Baumgardner, Brizendine, Chumbler, Colley, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Hahn, Hampton, Henry, Hill, Hopkins, Houtchens, Irick, Isler, Lankford, Lovins, Lyon, Miller, Moloney, Murphy, Neel, Nichols, Nolan, Osting, Parrish, Peniston, Quinn, Rausch, Roberts, Steiger, Stidham, Stacy, Tanner, Tucker, Wathen, White (John E.), Young. The motion to take HB 85 from committee was rejected.

Representative Hopkins moved to take **HB 11** from Education Committee and be given first Reading.

On the roll call, the vote was yeas 42—Barton, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Chumbler, Clark, Colley, Cook, Paul Cornett, Denham, Edmunds, Faulkner, Fern, Griffin, Hahn, Hardwick, Harris, Hays, Hislope, Hopkins, Lankford, Lovins, Martin, Miles, Fred Morgan, Nolan, Ostertag, Peniston, Render, Reynolds, Robinson, Slusher, Virgil Smith, Spurrier, Stacy, Stidham, Treas, G. T. White, J. E. White, Young. Nays, 31—Alexander, Bates, Baumgardner, Cowherd, Crecelius, Dean, Dexter, Dobyns, Dowell, Ellis, Fitzpatrick, Haley, Hall, Hampton, Hill, Irick, Isler, Moloney, Morgan, L. F., Murphy, Neel, Osborn, Parrish, Quinn, Rausch, Roberts, Steiger, Summe, Tanner, Tucker, Wathen. The motion to take **HB 11** from committee was rejected.

Report of Committees

Committee on Kentucky Statutes # 1 reported **HB 122, HB 147** and **SB 33**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 122, AN ACT relating to expenses of members of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 6.211 of the Kentucky Revised Statutes is amended to read as follows:

In addition to any and all sums, compensation, or expenses now paid the members of the General Assembly and the President of the Senate, they, and each of them shall receive a per diem allowance of twenty-five dollars. This sum shall be paid whether the General Assembly is in regular or extraordinary session and shall be in full recompense of any additional expenses incurred in excess of that now received by them.

Section 2. Whereas, present inflationary trends have raised the actual expenses of the members of the General Assembly and the President of the Senate, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor, and shall be retroactive to include any and all days of the 1960 Regular Session of the General Assembly which may have elapsed up to the date of passage and approval of this Act.

HB 147, AN ACT relating to social security for public employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to extend to certain employes of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of the General Assembly to extend the aforesaid protection to the employes of the state colleges enumerated in KRS 164.290 and of public junior colleges, and their dependents and survivors.

Section 2. Subsection (6) of Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290 and at public junior colleges, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection;

(b) At the earliest practicable date after the effective date of this section, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in each state college and public junior college in accordance with the requirements of Section 218 (d) (3) of the Social Security Act, and this subsection, on the question of whether or not the service in the positions, now covered by a public retirement system established by law, in the respective state colleges and public junior colleges should be included under such agreement;

(c) The Governor, before authorizing a referendum, shall require that the state college or public junior college in which it is to be conducted shall meet the following conditions;

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college or public junior college shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all such employes of the state college or public junior college;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college or public junior college;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college or public junior college vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the secretary of Health, Education and Welfare;

Section 3. Subsection (7) of Section 61.430 of the Kentucky Revised statutes is amended to read as follows:

For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 and of each public junior college shall be considered a separate coverage group.

SB 33, AN ACT relating to marriage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 402.020 of the Kentucky Revised Statutes is amended to read as follows:

Marriage is prohibited and void;

(1) with an idiot or lunatic;

(2) between a white person and a Negro or mulatto;

(3) where there is a husband or wife living, from whom the person marrying has not been divorced;

(4) when not solemnized or contracted in the presence of an authorized person or society;

(5) when at the time of marriage, the male is under eighteen or the female under sixteen years of age, provided, however, that in case of pregnancy the male and female, or either of them, under the ages herein specified may apply to a circuit judge for permission to marry, which application may be granted, in the discretion of the circuit judge.

Section 2. Section 402.030 of the Kentucky Revised Statutes is amended to read as follows:

Courts having general equity jurisdiction may declare void any marriage obtained by force or fraud or, at the instance of any next friend, may declare any marriage void where the male was under eighteen or the female under sixteen years of age at the time of the marriage, and the marriage was without the consent of the father, mother, guardian or other person lawfully having charge of his or her person and has not been ratified by cohabitation after that age.

Calendar

HB 46, HB 54, SB 1 and **SB 2** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in Orders of the Day.

Orders of the Day

Representative Fitzpatrick moved that **HB 98** be placed on Clerk's Desk. Agreed.

HB 84 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Moloney moved the Previous Question on **HB 84.** Agreed.

On the roll call, the vote was yeas 79—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Chumbler, Cole, Colley, Paul Cornett, Cowherd, Crecelius,

Quinn, Rausch, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher,
title agreed to.
Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker,

Introduction of Bills and Resolutions

HB 188, by Representative Murphy: AN ACT relating to city
taxation of manufacturing and trafficking in alcoholic beverages.
Wathen, G. T. White, J. E. White, Young. Nays 0. **HB 84** passed and
Qualls, Hardin, Robinson, Martin, Hahn, Lankford and Lyon: AN ACT
relating to Unemployment Insurance.
Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern,
Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Har-
phy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls,
din, Hardwick, Henry, Hill, Hislope, Houtchens, Hopkins, Irick, Isler,
Lankford, Lovins, Lyon, Martin, Miles, Moloney, L. F. Morgan, Mur-
HB 189, by Representatives Colley, Dexter, Castle, Nichols, Irick,

HB 190, by Representative Osting: AN ACT to prohibit the establishment of commercial business enterprises on limited access facilities.

HB 191, by Representatives White and Hays: AN ACT relating to nominations for election.

HB 192, by Representatives White, Hays, Faulkner, Slusher and Hislope: AN ACT relating to taxation of motor carriers.

HB 193, by Representatives Young and Rayburn: AN ACT relating to the Department of Agriculture, Labor and Statistics.

HB 194, by Representatives, Fitzpatrick, Murphy and Fred Morgan: AN ACT relating to cities.

HR 45, by Representatives Young, Hampton and Hahn: A Joint Resolution authorizing and directing payment of a claim of the Rocky Creek Lake Club, Incorporated.

HR 46, by Representatives Osting and Nolan: A CONCURRENT RESOLUTION requesting all schools to discourage the sale of soft drinks and candy to their students.

Representative Ray moved to adjourn for one hour. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Introduction of Bills and Resolutions

HB 195, by Representatives Davis and Hahn: AN ACT relating to the filing of tax liens.

HB 196, by Representative Caudill: AN ACT relating to trade practices.

HB 197, by Representatives Bates, Alexander, Barton, Brizendine, Burress, Castle, Chumbler, Davis, Dean, Denham, Fern, Field, Fitzpatrick, Ford, Garner, Hahn, Haley, Hardin, Harris, Henry, Hislope, Hopkins, Irick, Isler, Lovins, Miles, Miller, Fred Morgan, Luther F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Ray, Rayburn, Roberts, Slusher, Smith (A. C.), Virgil Smith, Summe, Treas, Glen T. White and Young: AN ACT relating to the control of pests and noxious weeds.

HB 198, by Representatives Nolan, Alexander, Bates, Castle, Caudill, Colley, Paul W. Cornett, Cowherd, Denham, Ellis, Fern, Fields, Hardin, Hislope, Irick, Ostertag, Osting, Render, Robinson, Slusher, Virgil Smith, Stidham and Glen T. White: AN ACT relating to the allocation of the special fund for rural and secondary roads created through the setting aside of two-sevenths of the excise tax on gasoline received in this state; amending Section 177.360 of the Kentucky Revised Statutes.

HR 47, by Representative Robinson: A HOUSE RESOLUTION urging legislation for financial assistance to the parent councils organized under the Kentucky Association for Retarded Children.

HR 48, by Representative Fitzpatrick: A CONCURRENT RESOLUTION establishing a joint committee to study and report on the legislative districts of Kentucky.

HB 199, by Representative Ray: AN ACT to establish a merit system of personnel administration for the civil service of the Commonwealth.

HB 200, by Representative Neel: AN ACT relating to school districts .

Senate Message

Announcing passage of **HR 40, HB 75.**

Reference of Bills

The Clerk reported the following bills had been referred:
Agriculture: **HB 175.**
Banks and Banking: **HB 179.**
Compensation for Industrial Injuries: **SB 26**
Courts and Legal Procedure: **HB 186, HB 187** and **SB 50**
Elections: **HB 177**
Insurance: **HB 184**
Judiciary and Judicial Council: **HB 183**
Kentucky Statutes #3: **HB 182, SB 41, SB 52, SB 53, SB 54**
Legislative Affairs: **HB 185**
Oil and Petroleum Products: **HB 176**
Public Health: **HB 178**
Ways and Means: **HB 180, HB 181** and **HR 42**

The Speaker appointed the following Entertainment Committee: W. K. Henry, Chairman, J. D. Buckman, Jr., Russell Reynolds, Fields, Nichols and Matthew B. Quinn.

Representative Ray moved to adjourn until 12 Noon, February 4. Agreed.

TWENTY-FIFTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 4, 1960

The House was called to order by the speaker.

Invocation by Reverend Edward L. Tullis of the First Methodist Church of Frankfort.

The roll was called. All present except Representatives Buckman, Burress, Cottengim, Davis, Farmer, Hall, Rausch, J. D. Smith and Stidham, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 3 dispensed with and the same approved on motion of Representative Isler.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 75** and **HB 62** had been examined and found correctly enrolled. **HB 75** and **HB 62** were read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 75 and **HB 62** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Representative Ray moved to withdraw motion. Agreed. Representative Ray moved that when the House adjourns today it adjourn until Monday, February 8, 4:00 P.M. Agreed.

Orders of the Day

Representative Ray moved that **HB 46** retain its place in Orders of the Day. Agreed.

HB 54 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Fields moved the Previous Question on **HB 54**. Agreed.

On the roll call the vote was yeas 72—Alexander, Barton, Bates, Brizendine, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Ray, Render, Roberts, Robinson, Slusher, Stacy, Steiger, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 54** was passed and the title agreed to.

SB 1 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **SB 1.** Agreed.

On the roll calls, the vote was yeas 73—Alexander, Barton, Bates, Brizendine, C. C. Carter, Earl Carter, Castle, Caudill, Chumbler, Clark, Cole, Cook, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, Stacy, Steiger, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Colley. **SB 1** was passed and the title agreed to.

SB 2 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Moloney moved the Previous Question on **SB 2.** Agreed.

On the roll call, the vote was yeas 76—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Martin, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Render, Roberts, Robinson, Slusher, Stacy, Steiger, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 2** was passed and the title agreed to.

Representative Ray moved to recess until 1:45 for lunch and Committee Meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 32, SB 76, SB 82, SR 21, HR 35, HB 67, HB 68, HB 69, HB 70, HB 72** and **HB 73.**

Orders of the Day

Representative Nolan moved the adoption of **HR 46.**

HR 46, by Representatives Nolan, Osting, Denham, Dobyns, Tucker, Stacy, Stidham, John E. White, Steiger, Ostertag, Griffin, Cole and Hampton:

HR 46, A CONCURRENT RESOLUTION requesting all schools to discourage the sale of soft drinks and candy to their students.

WHEREAS, it is recognized that the indiscriminate and uncontrolled intake of food such as candy and soft drinks can be injurious to children; and

WHEREAS, it is the duty of the school systems throughout the Commonwealth to foster programs designed to aid the health and well being of students enrolled therein;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonmonwealth of Kentucky, the Senate concurring therein:

That the faculty and administration of all elementary and secondary schools throughout the Commonwealth be requested to discourage the sale of candy and soft drinks to students on school premises except during athletic or social events. And, further, that principals or superintendents of all school initiate a program to encourage the drinking of milk.

Representative Robinson moved the adoption of **HR 47.**

HR 47, by Representative Robinson:

HR 47, A RESOLUTION urging legislation for financial assistance to the parent councils organized under the Kentucky Association for Retarded Children.

WHEREAS, the work of parent councils throughout the state is relieving the Commonwealth of much burden and responsibility in conducting educational and training programs for mentally retarded children, and

WHEREAS, these parent councils are financially limited to their voluntary contributions program, and

WHEREAS, increasing costs are making it impossible for the parent councils to maintain salaries of necessary teachers and to provide needed transportation for pupils; and

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That necessary legislation be enacted to provide financial assistance to the statewide parent councils organized under the Kentucky Association for Retarded Children.

Section 2. That the members of the House of Representatives support such legislation.

SR 21, A JOINT RESOLUTION memorializing the Interstate Commerce Commission to render a speedy decision on the matter of Kentucky time standards.

WHEREAS, the Interstate Commerce Commission has held extensive hearings on the question of where the line dividing the Eastern and Central time zones in Kentucky should be; and

WHEREAS, the hearing examiner's report was made public months ago; and

WHEREAS, the people of Kentucky continue to be perplexed and confused by the time issue;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Interstate Commerce Commission be memorialized to render a speedy decision on the matter of Kentucky time standards.

Section 2. That the Clerk be directed to send copies of this resolution to the Interstate Commerce Commission, and to each of the members of Congress from Kentucky.

Representative Ray moved to adopt **SR 21**. Agreed.

Report of Committees

Committee on Education reported **HB 97**, with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 97, AN ACT relating to members of boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.280 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of twenty dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any member exceed two hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

Committee on Municipalities #2 reported **HB 48**, **HB 36**, and **HB 174**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 48, AN ACT relating to members of the general council of cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 84.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the general council shall be elected for two years and until their successors have qualified.

(2) Each member of the general council shall reside in the city for two years next preceding his election, and shall at the time of his election, be a citizen of Kentucky and a housekeeper or owner of real estate in the city. At the time of his election, each councilman shall be at least twenty-four years of age and shall have been, for one year, a bona fide resident and voter of the ward for which he is chosen, and each alderman shall be at least thirty years of age.

(3) No person shall be eligible to be a member of the general council if, at the time of his election, he is interested in any contract with the city or in any application therefor, or is in arrears to the city for money or property collected or held, or has been convicted of malfeasance in office, bribery or other corrupt practice of crime, or holds any office or employment in any corporation that has or is an applicant for a contract with the city, the terms, rates or prices of which are subject to modification or inforcement by the general council. Mere stockholders in such corporations are not ineligible for that reason, but shall not vote on or interfere with any matter of question affecting that corporation in any manner other than it affects the general public.

(4) At any time after the election of a member of the general council, the absence or cessation of any of the qualifications listed in subsection (2) of this section, or the occurring of any of the disqualifications listed in subsection (3) of this section, shall work a forfeiture of his office, and the general council shall so declare.

(5) For anything said in debate, members of the general council are entitled to the same immunities and protection allowed to members of the General Assembly.

HB 36, AN ACT relating to bonds of municipal employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 82 of the Kentucky Revised Statutes is created to read as follows:

(1) A city of any class may secure a blanket bond to cover all city officers and employees, including officers and employees required by statute or ordinance to post bond.

(2) The blanket bond shall be a covenant running to the city that the officers and employees covered by the bond will faithfully account for and pay over all money and property that may come into their possession by virtue of their office or position, and shall be executed by a corporate surety authorized to do a surety business in the Commonwealth.

HB 174, AN ACT relating to officers and employes of cities of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 85.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) All officers, agents or employes appointed or employed by the common council may be removed by the common council at pleasure, except as otherwise provided by law.

(2) Except where otherwise provided by law, any city officer may, for incompetency, inefficiency, neglect of duty or misconduct in office, be impeached and removed from office by a three-fourths vote of the members of the common council, the yeas and nays being called and entered upon the journal. The common council shall, by ordinance, prescribe the method of procedure.

Section 2. Members of police and fire departments in cities of the third class may be removed only in accordance with the provisions of KRS 95.450.

Committee on Fish and Game reported **HB 17** with the expression of opinion that the same should pass, **HB 111** with the expression of opinion that the same should not pass. **HB 17** read at length for the first time and ordered placed in the Calendar.

HB 17, AN ACT relating to hunting and fishing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 150 of the Kentucky Revised Statutes is created to read as follows:

Any person who enters upon the enclosed lands of another to shoot, hunt or fish without the oral or written consent of the owner or occupant shall be fined not less than fifteen dollars nor more than one hundred dollars.

Section 2. A new section of Chapter 150 of the Kentucky Revised Statutes is created to read as follows:

(1) Any conservation officer shall upon written complaint of the owner or occupant arrest any person who is violating Section 1 of this Act, if the officer is already on the land for the purpose of enforcing other provisions of this chapter. The officer is authorized to arrest on his own initiative for a violation of Section 1 of this Act, whether or not he is already on the land for the purpose of enforcing other provisions of this chapter. He is not required to make an arrest unless he is already so on the land.

(2) Nothing in this section shall be construed to limit the existing powers of peace officers.

Section 3. Section 433.700 of the Kentucky Revised Statutes is repealed.

Committee on Municipalities #2 reported **HB 56**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 56, AN ACT relating to zoning and planning in cities of the third through sixth classes and in counties containing such cities, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any city of the third, fourth, fifth or sixth class and the county in which such city is located are hereby authorized and empowered to enter into an agreement to regulate the physical development, including planning and zoning, of the incorporated area of such city and the unincorporated area of such county. Such agreement shall be in writing and submitted to the legislative body of such city and the fiscal court of such county, for approval or disapproval. If approved, the provisions of this Act and said agreement shall become effective upon the adoption thereof by a mutual ordinance and order passed by such legislative body and by such fiscal court, respectively, setting forth therein said written agreement, and authorizing the execution and delivery of same. Thereupon said agreement shall be recorded in the office of the clerk of the county court of such county, and the city clerk or other appropriate official of such city.

(2) In the event that more than one city in such county desires to avail itself of the benefits of this Act, such additional city or cities are hereby authorized and empowered to enter into an agreement or agreements as set out in subsection (1) of this Section with such county, with the territorial jurisdiction of the joint city-county planning commissions terminating at a line or lines equi-distant from the respective corporate limits of the participating cities or in the event that such division is not practical at a line or lines mutually agreed upon by the city-county commissions involved. If agreement cannot be reached by the commissions involved, then it shall be the duty of the fiscal court to determine such line or lines.

(3) The territorial jurisdiction of a joint city-county planning commission shall not include the incorporated area of any city which does not enter into an agreement with the county to participate in a joint city-county planning commission as set out in subsection (1) of this Section.

Section 2. Such city or cities and such county are hereby authorized and empowered to make, adopt, adjust, amend, extend, and add to, by appropriate ordinances and orders, joint and comprehensive city and county planning and zoning plans, including rules and regulations for the enforcement thereof; and may jointly create:

(1) One or more joint city and county planning commissions, hereinafter called "commission," with the powers, duties and functions hereinafter set forth; and

(2) One or more joint city and county boards of zoning adjustment and appeals, hereinafter called "board", with the powers, duties and functions hereinafter set forth.

Section 3. (1) It shall be the function and duty of each commission to prepare and approve a comprehensive plan for the physical development of the city and the area of the county encompassed by the territorial jurisdiction of each commission, and to submit and recommend same to the fiscal court and to the legislative body of the city for adoption or rejection. The legislative body or the fiscal court may adopt that portion of the comprehensive plan or parts thereof that pertain to its area of jurisdiction separate from the action of the other body.

(2) Said comprehensive plan shall show and include:
  (a) A Master plan, as defined and provided for in KRS 100.046 through 100.051;
  (b) A zoning plan and regulations and restrictions relating thereto, as defined and provided for in KRS 100.066 through 100.073 and
  (c) Subdivision control regulations and restrictions relating thereto, as defined and provided for in KRS 100.087 through 100.093.

(3) In the preparation of the comprehensive plan, and at all times thereafter, it shall be the duty of the commission to consult and advise with public officials and agencies, including the city and county board of health or its successor or successors, public utility companies, civic, educational, agricultural, professional and other organizations, and with citizens, regarding the preparation, protection and carrying out of the plan. The commission, its members, officers, and employees, in the performance of their duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. In general, the commission shall have such powers as may be necessary to enable it to fulfill its duties and

functions, to promote city and county planning, and to carry out the purposes of this Act.

(4) The commission may, from time to time, recommend to the appropriate public officials programs for the acquisition of land and the construction of public structures and improvements, and for the financing thereof.

(5) The commission shall have power to promote public interest in an understanding of the comprehensive plan, and part and parts thereof, and to that end may publish and distribute copies thereof, or of any report relating thereto, and may employ such other means of publicity and education as it may determine.

(6) From and after the time the subdivision control regulations and restrictions of a joint city-county planning commission are adopted and in force, the provisions of KRS 100.720 which authorize city planning commissions to exercise subdivision control over land located outside the corporate limits of cities shall not apply within the area of jurisdiction of such joint city-county planning commission. Similarly, the provisions of KRS 100.650, 100.730, 100.760, 100.780, 100.790 and any other provisions of Kentucky Revised Statutes which give specific or implied authority to city legislative bodies and city planning commissions to include and regulate land located outside the corporate limits of cities in the major street plans or in any other portions or elements of the master plans of cities, shall not apply within the area of jurisdiction of a joint city-county planning commission from and after the time the subdivision control regulations and restrictions of such joint city-county planning commission are adopted and in force.

Section 4. The commission shall be composed of four ex officio members, who shall be the mayor, a member of the legislative body of the city selected by the legislative body, the county judge or a member of the fiscal court, and the road engineer of such county or another member of the fiscal court, and four citizen members, two to be appointed by the mayor and two to be appointed by the county judge. The two citizen members appointed by the mayor shall be residents within the corporate limits of such city. The two citizen members appointed by the county judge shall be residents of that portion of the county lying outside the corporate boundaries of such city, but inside the area comprising the territorial jurisdiction of the commission. The term of each ex officio member shall correspond to his respective official tenure. The terms of the citizen members shall be four years, and until their successors take office, except that the original terms shall be one and four years, respectively, for the two citizen members appointed by the mayor and two and three years, respectively, for the two citizen members appointed by the county judge. The mayor or the county judge shall appoint successors of citizen members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the commission shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A citizen member may be removed by the appointing official for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing official shall file with the commission a written statement setting forth the reasons for such removal.

Section 5. The commission shall elect, from among its citizen members, a chairman and vice-chairman. In the absence of the chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall each be for one year. The commission shall hold at least one regular meeting in each calendar quarter. It shall adopt bylaws for the transaction of business and keep minutes and records of all of its proceedings, showing its resolutions, transactions, findings and determinations, and the vote of each member on each question, or, if absent, or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the commission and shall be public records. Both the ex officio members and the citizen members, except the chairman, shall be entitled to vote on any subject or matter before the commission, and five members including the chairman or acting chairman shall constitute a quorum for the transaction of any business. However, approval of any ordinance, regulation or order shall be made only by majority vote of the entire commission. In case of a tie vote or a deadlock, the chairman shall have the power to vote and shall cast his vote and break such tie vote or deadlock. The commission shall prepare and submit to the fiscal court and to the city legislative body proposed amendments to the comprehensive plan or any portion thereof, and such amendments shall become effective in the same manner as provided for the adoption of the comprehensive plan or portions thereof in Section 3 of this Act. Proposed amendments to the comprehensive plan or any portion thereof which are not submitted to the fiscal court or city legislative body by the commission shall not be acted upon by the fiscal court or city legislative body until such proposed amendments have been submitted to the commission for approval. In case of disapproval by the commission, the commission shall communicate the reasons for such disapproval to the fiscal court or city legislative body, and a recorded vote of not less than two-thirds of the entire membership of the fiscal court or city legislative body shall be necessary to overrule such disapproval. The failure of the commission to act within ninety days after the official submission of a proposed amendment to the commission shall be deemed approval.

Section 6. The commission shall designate and appoint an enforcement officer who may be a member of the commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the commission and to issue zoning permits and certificates of occupancy. The commission may fix a reasonable schedule of fees for the issuance of such permits and certificates.

Section 7. (1) The board of zoning adjustment and appeals shall be composed of six members, none of whom shall hold any other city or county office, except that one may be a citizen member of the commission. Three of the members shall be appointed by the city legislative body and the other three by the fiscal court. Terms of office shall be three years, except that of the original appointments by the city legislative body one shall be for one year, one for two years, and one for three years, and that of the original appointments by the fiscal court one shall be for one year, one for two years, and one for three years. The city legislative body or the fiscal court shall appoint successors of members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the board shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A member may be removed for cause by the appointing authority upon written charges and after public hearing.

(2) The board shall elect a chairman and a vice-chairman. In the absence of the chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall each be for one year. The chairman shall have the right to vote on any subject or matter before the board only in case of a tie vote or a deadlock in order to break such tie vote or deadlock. Meetings of the board shall be held at the call of the chairman and at such other times as the board determines.

Section 8. (1) The board of zoning adjustment and appeals may:

(a) Adopt by laws for its own government, not inconsistent with any law, city ordinance, or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application or appeal, such variances from the terms of the ordinance or order, or of any plans, rules or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, order, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance or order shall be observed and substantial justice be done.

(2) In exercising its powers, the board may reverse, affirm or modify an order or decision of an administrative official.

(3) The concurring vote of a majority of the entire membership of the board shall be necessary in making any decision.

Section 9. (1) In the event that no city in such county desires to avail itself of the benefits of this Act, the fiscal court of such county is hereby authorized and empowered to regulate the physical development, including planning and zoning, of the unincorporated areas of such county. The intention to so regulate by such county shall be indicated by an order passed by such fiscal court which shall: create a county planning commission and a county board of zoning adjustment and appeals, the functions, powers and duties of which shall be as nearly as possible comparable to and with the functions, powers and duties hereinbefore provided for joint city-county commissions and boards; provide for the personnel and staff of such county commission and board including an enforcement officer; and provide for the appointment, organization and financing thereof, and for appropriate rules, regulations and procedure.

(2) The fiscal court, in order to determine that no city in such county desires to participate in a joint city-county planning commission shall submit a petition of inquiry to the legislative body of the third through sixth class city or cities, which must be answered in writing by the city legislative body within sixty days. If no answer to the petition is forthcoming from the city within sixty days, the fiscal court shall interpret this as a negative reply.

(3) A county planning commission shall be composed of two ex officio members, who shall be the county judge, and either a second member of the fiscal court appointed by the fiscal court or the county road engineer, and six citizen members appointed by the county judge, who shall be residents of the unincorporated areas of the county. The term of each ex officio member shall correspond to his respective official tenure. The terms of the citizens members shall be four years, and until their successors take office except that the original terms shall be for one year for one member, two years for two members, three years for one member, and four years for two members. The county judge shall appoint successors of citizen members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the commission shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A citizen member may be removed by the appointing official for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing official shall file with the commission a written statement setting forth the reasons for such removal. The bylaws and powers pertaining to the officers of the county commission, meetings, records, rates, quorum and enforcement shall be the same as those permitted when a city of the third through sixth class joins with its county or part thereof to form a joint commission.

(4) When a county planning commission exists and a zoning ordinance has been adopted, a county board of zoning adjustment and appeals shall be appointed. The board shall be composed of six members, who shall be residents of the unincorporated areas of the county, none of whom shall hold any other county office except that one may be a citizen member of the planning commission. All six members shall be appointed by the fiscal court. Terms of office shall be three years, except those of the original appointments, of which two shall be for one year, two for two years, and two for three years. The fiscal court shall appoint successors of members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the board shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A member may be removed for cause by the appointing authority upon written charges and after public hearing. The board shall have the same powers and duties as set forth for joint city-county boards of zoning adjustment and appeals.

Section 10. In instances where there is no incorporated city in a county, the fiscal court may appoint a county planning commission and a board of zoning adjustment and appeals in order to avail the county of the benefits of this statute. The organization, functions, powers and duties of such commission and board will be the same as those provided for in Section 9 of this Act.

Section 11. (1) Any person, firm, corporation, organization, taxpayer, public official or government department, agency, board, or bureau affected by any decision, order or ruling of the board of zoning adjustment and appeals may appeal from such action or decision to the circuit court, and jurisdiction is hereby given to such circuit court to herein determine all questions and issues properly brought before it on such appeal. Such appeals shall be taken to said circuit court within thirty (30) days after rendition of such official decision, order or ruling by giving notice of the appeal to said board and all other parties of record and by filing in the office of the clerk of said circuit court a statement of appeal setting forth the decision, order or ruling appealed from, the date thereof, and the reasons and grounds for said appeal, and attaching thereto as a part thereof a certified copy of said decision, order or ruling.

(2) After the appeal is taken the procedure shall be governed by the Kentucky Rules of Civil Procedure, subject to the provisions of subsections (3), (4), (5), (6), (7), and (8) of this section, and all parties to the proceeding shall have the right to any and all processes, including, but not limited to, supoenas, allowed in other cases in said circuit court.

(3) Summons shall issue upon the statement of appeal directing the adverse parties to file answer within twenty (20) days after service

of the statement of appeal and directing the board to certify its complete record of the case to the court, or if the parties consent, an abstract of the record.

(4) An appeal shall stay all action by all parties of record in the matter appealed from.

(5) No new or additional evidence may be introduced in the circuit court except as to the misconduct of some person engaged in the administration of this Act or an ordinance or order enacted thereunder which affects the decision, order or ruling, but the court shall otherwise hear the cause upon the record or abstract as certified by the board and shall dispose of the case in a summary manner, its review being limited to determine whether or not:

(a) The board acted in excess of its power;
(b) The decision, order or ruling was the result of misrepresentation, fraud, bad faith or abuse of discretion;
(c) The decision, order or ruling is in conformity with the provisions of this Act or any ordinance or order adopted pursuant thereto.

(6) The court shall enter judgment affirming, modifying or setting aside the decision, order or ruling, or in its discretion, remanding the case to the board for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing of fact, remand the case to the board.

(7) Appeals may be taken from the circuit court to the Court of Appeals.

(8) Appeals to the circuit court and to the Court of Appeals shall have preference in trial over all other civil actions.

Section 12. Whereas the public welfare demands that the benefits of planning and zoning be made available to all of the Commonwealth's counties at the earliest possible time, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Committee on Kentucky Statutes #3 reported **HB 142**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 142, AN ACT relating to grand jury procedure.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 110 of the Criminal Code of Practice is amended to read as follows:

No person except the Commonwealth's and county attorneys and the witness under examination shall be present while the grand jury is examining a charge, and no person whatever while they are deliberating or voting on the charge, except that authority is hereby given to the Commonwealth's attorney to appoint a stenographer, who shall on order of the said Commonwealth's attorney, attend any session of the grand jury in any county of said district and be present during the examination of any witness or witnesses before the grand jury and shall make full and correct notes of the testimony of the witnesses, and, when ordered by the Commonwealth's attorney, shall transcribe same and deliver same to the Commonwealth's attorney, properly certified by said stenographer, and said transcript shall be kept by the said Commonwealth's attorney for his use; and said transcript may be introduced and used in court as competent and legal evidence for the purpose of contradicting any witness whose testimony was taken upon said hearing before said grand jury. For services said stenographer shall be paid a reasonable compensation upon an order of the circuit court, and paid by the fiscal court of the court where such services are rendered, but the compensation herein provided for shall not exceed ten dollars per session for attendance upon the hearing of said grand jury and in addition thereto for transcribing notes of said testimony the rate which shall be established for transcripts of official circuit court stenographers in that county. Said stenographer shall be required, before entering upon these duties, to qualify by taking the oath required by all officers under the Constitution of Kentucky to faithfully discharge the duties as such, and said stenographer shall further be sworn not to disclose, or make known, directly or indirectly, to any person or persons, anything that occurred, was stated or given in the evidence, or transpired, bearing upon any case or investigation before the grand jury. Said stenographer shall make out a correct and full transcript of such testimony so taken, when directed to make same by the Commonwealth's attorney, and the same shall be promptly delivered to the Commonwealth's attorney. Any person indicted by any grand jury for any crime or misdemeanor shall have a right to procure a copy of said stenographic record or any part thereof by paying the prescribed fee for said report.

Committee on Agriculture reported **HB 166** and **HB 152**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 166, AN ACT relating to electric utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any utility providing electric service in any area annexed, subsequent to the effective date of this Act, by any municipality shall have the dominant right to continue to provide electric service in said area to consumers then being served and to new consumers located nearer to its facilities than to the facilities of any other utility as all those facilities were located immediately prior to annexation.

HB 152, AN ACT relating to anhydrous ammonia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 250.486 of the Kentucky Revised Statutes is amended to read as follows:

No person, firm or corporation other than the owner of the facility and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any anhydrous ammonia container or receptacle for any gas, compound, for any other purpose whatsoever. Any wholesaler, dealer, or handler of anhydrous ammonia or pressure liquid fertilizers that have a vapor pressure in excess of fifty pounds at one hundred degrees Fahrenheit shall register annually with the department, and shall pay an annual license fee based on the volume of the previous year's business. The license fee shall be at least thirty-five dollars; operators who have handled more than two hundred and fifty tons during the previous year shall pay an additional amount equal to fifteen cents for each ton handled in excess of two hundred and fifty. The application for license shall be accompanied by an affidavit stating the applicant's volume of business. The department or its representative shall have the privilege of checking the validity of the information contained in the affidavit.

Section 250.487 of the Kentucky Revised Statutes is amended to read as follows:

The monies received from the license fees collected shall be deposited into the State Treasury to the credit of a revolving account to be used in the administration of KRS 250.482 to 250.488.

Committee on Kentucky Statutes #3 reported **HB 173, SB 54, SB 41, SB 52, SB 53** and **SB 12**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 173, AN ACT relating to temporary courthouse facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.160 of the Kentucky Revised Statutes is amended to read as follows:

The county judge may rent, for the period that a courthouse is being built or repaired, or cannot be used, a house not more than a mile and one quarter from the public square or courthouse site, as a temporary courthouse. He may also rent, for the period that the clerk's office or jail is being built or repaired, a house within the same distance of the public square or courthouse site, as a temporary clerk's office or jail. The rent for such temporary courthouse, clerk's office or jail shall be paid out of the county treasury.

SB 54, AN ACT relating to parking meters in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 94.740 of the Kentucky Revised Statutes is amended to read as follows:

Cities of second class may provide and maintain parking meters.

(1) The governing body of any city of the second class may enact ordinances providing for the acquisition, establishment, erection, maintenance and operation of a system of parking meters or other similar mechanical devices to regulate and control vehicular traffic in the city, said meters or devices requiring a deposit of money, the amount thereof to be determined by the legislative body of the city, from those who park vehicles for stipulated periods of time in certain areas in the city in which the congestion of vehicular traffic is such that public convenience and safety require such regulation.

(2) The proceeds derived from the use of such parking meters or other similar mechanical devices shall be used: First, for the purpose of the acquisition, establishment, erection, maintenance and operation of the system; second, for the purpose of making the system effective; and third, for the expenses incurred by and throughout the city in the regulation and limitation of vehicular parking, traffic relating to parking, traffic safety, devices, signs, signals, markings, policing, lights, traffic surveys and safety programs.

(3) Nothing contained in this section shall prohibit the governing body of any city of the second class from employing any and all other ways and means to regulate and control vehicular parking in the city, either in conjunction with a system of meters or devices or exclusive and independent thereof.

SB 41, AN ACT relating to the licensing, recording of liens and registration of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plate shall remain upon such motor vehicle as a part of it until the expiration of the registration year.

(2) No person shall sell or trade any motor vehicle without delivering to the county clerk of the county in which the sale or trade is made the registration receipt issued on the motor vehicle for the current year and the bill of sale,

(3) Upon delivery of the registration receipt and the bill of sale to the county clerk of the county in which the sale or trade was made, the seller shall pay to the county clerk a transfer fee of one dollar, which shall be remitted to the department. The county clerk shall thereupon issue to the purchaser a transfer of registration bearing the same data and information as contained on the original registration receipt, except the change in name and address. The seller shall pay to the county clerk a fee of one dollar for his services.

(4) Whenever a county clerk issues to a purchaser a transfer of registration in a county other than the one in which the motor vehicle was originally registered, the clerk shall immediately mail one copy of the transfer of registration to the clerk of the county of original registration.

(5) If the owner junks or otherwise renders a motor vehicle unfit for future use, he shall deliver the registration plate and registration receipt to the county clerk of the county in which the motor vehicle is junked. The county clerk shall immediately return the plate and receipt to the department. The owner shall pay to the county clerk fifty cents for his services.

(6) A licensed motor vehicle dealer shall not be required to pay the transfer fee provided by this section, but shall be required to pay the county clerk's fee provided by this section.

Section 2. Section 186.195 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the owner of a motor vehicle, properly registered in this state, executes a lien thereon, he shall deliver the registration receipt to the secured party. The secured party shall, within ten days thereafter, present such receipt, together with the lien instrument and proper fees, to the county clerk of the county in which the motor vehicle is registered for recording in accordance with KRS 382.670 and KRS 186.040.

(2) The county clerk shall, within five days, mail the registration receipt with the lien recorded thereon to the owner, and shall also record the lien on the copy of the registration receipt on file in the county clerk's office.

(3) Whenever a lien instrument affecting a motor vehicle is presented to a county clerk for recording in any county other than the one in which the motor vehicle is registered, the county clerk shall, in addition to the other requirements of this section and the requirements of KRS 382.670, mail a notice of the recorded lien to the clerk of the county in which the motor vehicle is registered on a form which the Department of Revenue shall supply. Upon receipt of said notice, the county clerk shall record the lien on the copy of the registration receipt on file in the county clerk's office.

(4) (a) When a chattel mortgage, or other instrument construed as such in this state, is assigned or discharged pursuant to the law,

the owner shall present the registration receipt to the secured party who shall record thereon in language prescribed by the department that the lien has been assigned or discharged. The recording shall show the date thereof and shall be signed by the secured party or his authorized agent and acknowledged before an officer authorized to administer an oath.

(b) When a discharge or assignment has been recorded on the owner's registration receipt as provided in (4) (a), the owner may present the registration receipt to the county clerk who shall record the information on the copy of the receipt which contains the lien information on file in the county clerk's office, for which services the owner shall pay the clerk a fee of twenty-five cents.

(5) For failure to present the registration receipt and record the lien instrument within the time prescribed, the secured party shall pay a penalty of two dollars to the county clerk as a prerequisite for recording the lien information on the registration receipt. The penalty, less the county clerk's commission of five percent, shall be remitted to the department.

(6) No lien executed prior to January 1, 1960, shall be recorded on the registration receipt issued by the county clerk.

Section 3. Section 186.230 of the Kentucky Revised Statutes is amended to read as follows:

The county clerk shall see that KRS 186.020 to 186.260 in his county are enforced. In so doing, he shall:

(1) Take all applications as provided in KRS 186.020 to 186.260 except those in KRS 186.090.

(2) Issue the receipts on blanks furnished by the department.

(3) Collect the fees due the state.

(4) Distribute the registration plates furnished by the department and keep a complete public record of all registrations for his county, in his office.

(5) Report and remit each Monday to the department all moneys collected during the previous week, together with a duplicate of all receipts issued by him during the same period. He shall make all checks payable to the State Treasurer. Upon the failure of a clerk to report and remit for more than seven days after the report and remittance are due, he shall pay a penalty of ten percent on the amount of money due in addition. All penalties collected under this provision shall be paid into the State Treasury as a part of the revenue collected under KRS 186.020 to 186.260.

(6) The clerk shall mail to the Department of Public Safety duplicate of all receipts issued by him within two weeks of the date of issuance.

(7) Account to the department for all registration plates and receipt forms consigned to him, at such time or times as the department may direct, and give the department timely notice of a probable deficiency of plates or other supplies.

Section 186.235 of the Kentucky Revised Statutes is amended to read as follows:

No motor vehicle, not previously registered in this state, other than a new motor vehicle sold by a dealer licensed in this state, shall be registered by the county clerk unless such vehicle shall have been inspected by the sheriff of the county or his deputy. Such sheriff inspecting the vehicle shall make a record of inspection upon the inspection form prescribed by the department. The applicant shall pay the sheriff a fee of one dollar for making the inspection.

Section 4. Section 186.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020 to 186.070, 186.110, 186.130 to 186.180, 186.210, 186.230, 186.250 or 186.655 to 186.680 shall be fined not less than ten nor more than one hundred dollars for each offense.

(2) Any person who violates any of the provisions of KRS 186.190, 186.200 or 186.220 shall be fined not less than ten dollars nor more than two thousand dollars or imprisoned for not more than one year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than two dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the department.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years. Displaying a cancelled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

SB 52, AN ACT relating to pension funds of cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 90.400 of the Kentucky Revised Statutes is amended to read as follows:

The city may create a board for the pension fund and designate trustees of that board, and may fix the powers of the trustees, determine the eligibility of employes or their dependents to a pension or other benefit, and may provide a monthly allowance for employes eligible for a pension.

SB 53, AN ACT relating to qualification of applicants for civil service in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statutes 90.330 is hereby amended so that when amended the same shall read as follows:

(1) The civil service commission shall examine all applicants as to their physical and mental qualification for the particular classification wherein they seek employment. To be eligible for examination a person must not be less than twenty-one nor more than forty-five years of age, a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language.

(2) No person shall be appointed to a position under civil service until that person is a resident of that city.

SB 12, AN ACT relating to war memorials, amending KRS 105.010.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 105.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city or county of the Commonwealth is authorized to establish or erect a war memorial to commemorate the sacrifices of its citizens who are serving or have served in the Armed Forces of the United States during any war. Such memorials may be located outside the city limits.

(2) Any county and city thereof may undertake the establishment or erection of such memorial jointly, and to share the expense thereof in such proportions as may be agreed upon between their governing bodies.

(3) Any city or county, either separately or jointly, in order to carry out the establishment and erection of a war memorial, may purchase, accept as a gift, or acquire in any other legal manner, including eminent domain, a cemetery to be used for memorial purposes. The city or county is authorized to care for and supervise burials on such

lots in such cemetery as have been sold by the cemetery association prior to acquisition by the city or county. No city or county shall sell lots in a cemetery acquired in accordance with the provisions of this Act.

(a) Each city or county, either separately or jointly, is authorized to use prison labor from the city or county for the purpose of keeping such cemetery in proper condition.

Calendar

HB 147, HB 122 and **SB 33** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Caudill moved to suspend Rules to make a motion. Representative Caudill moved to adopt **HR 49.** Agreed.

HR 49, A RESOLUTION requesting and petitioning the Board of Trustees of the University of Kentucky to consider the establishment of a two year college in Letcher County at Whitesburg to be operated and maintained as a division of the University.

WHEREAS, there is a serious need for the creation of a public supported two year college in Letcher County for the purpose of providing an opportunity for higher education to the people residing in the Southeastern section of Kentucky; and

WHEREAS, the Board of Trustees of the University of Kentucky are given broad powers with respect to expanding and locating the facilities of the University under the provision of Chapter 164 of the Kentucky Revised Statutes; and

WHEREAS, to more fully carry into effect the desire and intent of the General Assembly to provide adequate college training for all the citizens of the Commonwealth, insofar as possible, in the arts, sciences and such other academic areas as may be deemed necessary and advisable, as well as to enable the citizenry to be improved in mind and body to the end that they may render a more effective and useful service as citizens of this Commonwealth; and

WHEREAS, the city of Whitesburg, the county seat of Letcher County, located in the beautiful foothills of the Appalachian Mountains, is the home of great numbers of good Kentuckians striving for progress, civic improvement and a better way of life, and is ideally situated geographically and strategically for the location of such a college.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Board of Trustees of the University of Kentucky be and it is requested and petitioned to consider the establishment of a two year college in Letcher County at Whitesburg to be operated and maintained as a division of the University of Kentucky.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Agriculture: **HB 193** and **HB 197**

Appropriations: **HR 45**

Courts and Legal Procedure: **HB 195**

Education: **HB 200**

Elections: **HR 191**

Judiciary and Judicial Council: **HR 48**

Kentucky Statutes #3: **HB 196** and **HB 198**

Legislative Affairs: **HB 192**

Municipalities #2: **HB 188** and **HB 194**

Roads and Highways: **HB 190**

Ways and Means: **HB 189** and **HB 199**

Introduction of Bills

HB 201, by Representative Robinson: AN ACT amending and reenacting KRS 382.520 to provide that mortgages shall secure not only the original indebtedness but also all extensions and renewals thereof, and providing that such mortgages may secure any other indebtedness to the extent expressly provided for in the mortgage.

HB 202, by Representative Moloney: AN ACT relating to employes' retirement.

HB 203, by Representatives Isler and Summe: AN ACT changing the classification of the City of Fort Wright, in Kenton County.

Representative Ray moved to adjourn until Monday, February 8, 4:00 P.M. Agreed.

TWENTY-EIGHTH LEGISLATIVE DAY

MONDAY, FEBRUARY 8, 1960

The House was called to order by the Speaker.

Invocation by Reverend Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Baumgardner, Burress, Earl Carter, Caudill, Cottengim, Edmunds, Hampton, Lovins, Neel, Ostertag, Rausch, Rayburn, Render, A. C. Smith, Wathen and Young, who were granted leaves of absence on motion of Representative Lyon.

Reading of Journal for February 4 dispensed with and the same approved on motion of Representative Isler.

Report of Committees

Committee on Roads and Highways reported **HB 43**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 43, AN ACT relating to taxation of gasoline.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who shall purchase gasoline, on which the tax imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed to the extent of ninety percent of the tax so paid on such gasoline provided, however, that such person is the holder of an unrevoked farm gasoline permit as provided in KRS 138.345, and provided further that no reimbursement shall be authorized for purchases of less than fifty gallons.

(2) Reimbursement shall be made by the dealer at the time of purchase by deduction from the invoice price. The dealer may deduct from the remittance required by KRS 138.280, as shown by the monthly report required by KRS 138.240 the amount of tax reimbursed prior to the date of such payment. The deduction shall be reported in form and supported by such data as is required by the Department.

Section 2. Section 138.345 of the Kentucky Revised Statutes is amended to read as follows:

No person shall be entitled to purchase tax-free gas unless he is the holder of an unrevoked farm gasoline permit issued by the Department. To procure a permit every such person shall file with the Department, an application under oath, on forms furnished by the Department, setting forth such information incident to the purchase of tax-free gasoline as the Department may require.

Section 3. Section 138.346 of the Kentucky Revised Statutes is amended to read as follows:

The department may, if the applicant for a farm gasoline permit has violated any provision of KRS 138.343 to 138.356 or regulation pursuant thereto, or has been convicted of bribery, theft or false swearing within the period of five years preceding the application, or if the department has evidence of the applicant's financial irresponsibility, require the applicant to execute a corporate surety bond of one thousand dollars to be approved by the department, conditioned upon the payment of all taxes, penalties, and fines for which such applicant may become liable under KRS 138.343 to 138.356.

Section 4. Section 138.347 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensed gasoline dealer shall, in accordance with the Department's requirements, keep at his principal place of business in this state a complete record of all such gasoline sold by him under tax-free invoices provided for in KRS 138.351, which records shall give the date of each sale, the number of gallons sold, the name and address of the person to whom sold and the sale price.

(2) Every person to whom a permit has been issued under KRS 138.345 shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this state a record of each purchase of gasoline from a licensed dealer or the dealer's authorized agent, the number of gallons purchased, the name and address of the seller, and the date of purchase.

(3) The records required to be kept under subsections (1) and (2) of this section shall at all reasonable hours be subject to inspection by the Department or by any person duly authorized by it. Such records shall be preserved and shall not be destroyed until one year after the date the gasoline to which they relate was sold and purchased.

Section 5. Section 138.348 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may require any dealer or any dealer's authorized agent to identify tax-free gasoline sold by him by adding thereto any chemical or substance, which shall be furnished by the department and used in the manner prescribed by the department.

(2) Tax-free gasoline shall not be sold in quantities of less than fifty gallons. The permit holder shall receive and store all such gasoline in containers plainly marked with distinguishing letters "tax-free gasoline", and shall keep such containers on his premises accessible to agents of the Department and separate from other gasoline stored on his premises.

(3) Agents of the department are authorized to go upon the premises of any permit holder or of any licensed gasoline dealer or his authorized agent as defined in KRS 138.343 to make inspections to ascertain any matter connected with the operation of KRS 138.343 to 138.356 or the enforcement thereof; provided, however, that no agent shall enter the dwelling of any person without the occupant's consent or the authority from a court of competent jurisdiction.

Section 6. Section 138.349 of the Kentucky Revised Statutes is amended to read as follows:

No person shall execute a farm gasoline invoice, as described in KRS 138.351, who is not a dealer, as defined in subsection (2) of KRS 138.210 or a sub-jobber duly authorized by a licensed dealer, to execute tax-free gasoline invoices as his agent. In no instance shall such invoices be executed for purchases from retail filling stations.

Section 7. Section 138.351 of the Kentucky Revised Statutes is amended to read as follows:

(1) When gasoline is sold to a permit holder under KRS 138.344, the seller of such gasoline shall make out in duplicate, with double back carbon, a farm gasoline invoice supplied by the department, which invoice shall have printed thereon that the liability to the Commonwealth of Kentucky for the excise tax imposed under KRS 138.220 with respect to such gasoline has been assumed by the seller and that said excise tax has already been paid or will be paid by the seller when the same shall become payable, a statement setting forth the name and address of the purchaser, the number of gallons of gasoline so sold, the proposed use for which such gasoline is purchased, and such other information as the department shall require. The original of such farm gasoline invoice shall be retained by the purchaser and the duplicate shall be retained by the seller, as a part of the records required to be kept by KRS 138.347.

Section 8. Section 138.353 of the Kentucky Revised Statutes is amended to read as follows:

If any excise taxes on gasoline be erroneously exempted, the department shall advise the payee by registered mail of the error. If the payee fails to pay such taxes within fifteen days after the receipt of the letter, an action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount of such taxes plus a penalty of twenty percent.

Section 9. Section 138.354 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall make a false or fraudulent statement in an application for a tax-free permit or in issuing a farm gasoline invoice; or fraudulently purchase tax-free gasoline; or knowingly aid or assist in making such false statements or purchase; or having purchased

gasoline under provisions of this Act, shall use or permit such gasoline or any part thereof to be used for any purpose other than as provided in KRS 138.344.

(2) The farm gasoline permit of any person who shall violate any provision of subsection (1) of this section shall be revoked by the Kentucky Tax Commission, and may not be reissued until two years have elapsed from the date of such revocation.

(3) The farm gasoline permit of any person who shall violate any provision of this Act, other than those contained in subsection (1) of this section, may be suspended by the Kentucky Tax Commission for any period in its discretion not exceeding six months.

(4) If a dealer violates any provision of this Act, his privilege to issue farm gasoline invoices may be suspended by the Kentucky Tax Commission for a period of not more than two years. No tax exemption shall be granted on gasoline purchased from a dealer while a suspension of his privilege to issue farm gasoline invoices is in effect.

Section 10. Section 138.355 of the Kentucky Revised Statutes is amended to read as follows:

If the department reasonably believes that any dealer or permit holder has been guilty of a violation of this Act which would subject the dealer or permit holder to a suspension or revocation of his license or permit under the provisions of subsections (2), (3) or (4) of KRS 138.354, said dealer or permit holder may be cited by the department to show cause at a public hearing before the Kentucky Tax Commission why his license or permit should not be suspended or revoked. The dealer or farm-gas permit holder shall be notified by registered letter or summons. The letter or summons shall inform the dealer or permit holder of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license or permit may be revoked or suspended. The summons may be served in the same manner and by the same officers or persons as provided in the Rules of Civil Procedure, or it may be served in said manner by an employe of the department. The hearing shall be set at least five days after the summons is served or the letter delivered. Any aggrieved dealer or permit holder may appeal from an order of the Kentucky Tax Commission to the Franklin Circuit Court in the manner provided for appeals from other of its rulings, subject to the condition that he make bond sufficient in the opinion of the Department to protect the Commonwealth from loss of revenue.

Section 11. Subsection (14) of KRS 138.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person, other than the holder of a permit, who shall knowingly violate any provision of KRS 138.343 to 138.356 shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both.

Section 12. Sections 138.352 and 138.357 of the Kentucky Revised Statutes are repealed.

Committee on Roads and Highways reported **HB 9**, **HB 6** and **HB 107**, with the expression of opinion that the same should not pass.

Committee on Roads and Highways reported **HB 117**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 117, AN ACT relating to the county road precinct system.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 179.080, 179.090, 179.100, 179.120 and 179.130 of the Kentucky Revised Statutes are repealed.

Committee on Legislative Affairs reported **HB 85** with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 85**, AN ACT relating to payment of a bonus to certain veterans and certain persons deriving from them, providing the method of financing thereof, appropriating funds for administration, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Legislative Intent.* This Act is intended to implement Chapter 48, Acts of the Regular 1958 Session of the General Assembly, ratified by the electorate at the regular elections on November 3, 1959, by providing for payment of a cash bonus to qualified veterans, or to certain persons deriving from them, as quickly and as free from administrative delay and expense as may be consistent with provident stewardship of public monies of the Commonwealth.

Section 2. *Bonus to be Paid.* A bonus shall be paid from the proceeds of bonds of the Commonwealth, issued as hereinafter provided, in the amounts and to the persons determined in accordance with the provisions of this Act.

Section 3. *Definitions.* As used in this Act, the following terms have the following respective meanings, unless another meaning is clearly required by the context:

(a) "Administrator" means the Adjutant General of the Commonwealth.

(b) "veteran" means a person who served in the active armed forces of the United States, during the Spanish American War, World War I, World War II, or the Korean conflict, for a period of ninety (90) days or more (exclusive of time spent AWOL; or in penal confinement as a result of a sentence imposed by Courts Martial; or in service for which no allowance is made according to Section 4 of this Act), with some portion of service within the respective hereinafter prescribed dates, who is still in the armed forces, or was released, separated, discharged or retired therefrom under honorable conditions.

(c) "duty in active armed forces" includes active duty, and any period of inactive duty training during which the individual concerned was disabled; and if a person in the active armed forces was released, separated or discharged therefrom by reason of disability incurred in line of duty before serving as much as ninety (90) days, such person shall be qualified for entitlement to a bonus payment under this Act, notwithstanding failure to remain in service for the minimum time otherwise prescribed.

(d) "armed forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard, including the reserve components thereof on active duty.

(e) "qualified veteran" means a person answering to the specifications set forth in subsections (b) and (c), and who

(1) was a resident of the Commonwealth at the time of entry into active service in the armed forces and for at least six (6) months prior thereto, and

(2) if living, was a resident of the Commonwealth on November 3, 1959; or if deceased at that time, was survived by a beneficiary who was a resident of the Commonwealth on November 3, 1959, and

Provided further, that if the legal spouse of a qualified veteran was a legal resident of Kentucky on November 3, 1959, or if the qualified veteran was unmarried, his surviving mother and father were legal residents of Kentucky on November 3, 1959, such shall constitute a rebuttable presumption that the veteran lived in Kentucky on that date; and

(3) who has not received a bonus or like compensation from another state; and

(4) who is not subject to the forfeiture provisions of this Act.

(f) "resident of the Commonwealth at the time of entry into the active service" means any person who gave the Commonwealth of Kentucky, or any specific place in this Commonwealth, as his or her place of residence at such time of entry, without regard to the place of enlistment, commission, or induction. Conclusive and exclusive evidence of such giving of place of residence shall be the official records on file in the Department of Defense of the United States, or any official record thereof in the files of the Veteran's Administration of the United States; but if it be shown to the satisfaction of the Administrator that for any reason no such record was made, or that the same has been lost, misplaced or destroyed, or that an authenticated copy thereof cannot be obtained within a reasonable time, other evidence of bona fide residence may be accepted if deemed sufficient by the Administrator.

(g) "resident", in any context other than as in subsection (f), means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to such regulations as the Administrator may promulgate; except that those applicants who reside in an incorporated town part of which lies in Kentucky will be presumed to have a legal residence in Kentucky.

(h) "beneficiary" means in this order, widow, child or children (sharing equally), mother, father, and no other.

(i) (1) "widow" means a woman who was the wife of a veteran at the time of his death, and who had not deserted him (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife,) and who had not remarried, (unless the purported remarriage was void or had been annulled.)

(2) The term "widow" also includes "widower" in the case of a man who was the husband of a female veteran at the time of her death.

(j) "child" means a person

(1) who is under the age of 18; or

(2) who, before attaining the age of 18 years, became permanently incapable of self-support; or

(3) who, after attaining the age of 18 years and until completion of education or training (but not after attaining the age of 21 years) is pursuing a course of instruction at a bona fide educational institution; and who, in relationship to the veteran, is a legitimate child; a legally adopted child; a stepchild who is a member of a veteran's household or was a member at the time of the veteran's death; or an illegitimate child, but, as to the alleged father, only if acknowledged in writing signed by him, or if he had, before his death, been judicially decreed to be the father of such child.

(k) "mother" means a mother, a mother through adoption, or a woman who for a period of not less than one year stood in the relationship of a mother to a qualified veteran before his or her entry into active service in the armed forces, or if two persons stood in such relationship for one year or more, the person who last stood in such relationship before the veteran's last entry into active service in the armed forces.

(l) "father" means a father, a father through adoption, or a man who for a period of not less than one year stood in the relationship of a father to a qualified veteran before his or her entry into active service in the armed forces, or if two persons stood in such relationship for one year or more, the person who last stood in such relationship before the veteran's last entry into active service in the armed forces.

(m) "in the Continental United States" means any place in the District of Columbia and the States of the United States which are on the North American Continent, exclusive of Alaska.

(n) "outside the Continental United States" means any place elsewhere than as defined in subsection (m).

(o) "Spanish American War"
  (1) means the period beginning on April 21, 1898, and ending on July 4, 1902,
  (2) includes the Phillipine Insurrection and the Boxer Rebellion, and
  (3) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903.

(p) "World War I"
  (1) means the period beginning on April 6, 1917, and ending on November 11, 1918, and
  (2) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920, and
  (3) any service between April 6, 1917 and July 1, 1921, if some part thereof was between April 6, 1917 and November 11, 1918, both dates being inclusive.

(q) "World War II" means the period beginning December 7, 1941, and ending December 31, 1946.

(r) "Korean conflict" means
  (1) the period beginning on June 27, 1950 and ending July 25,1953, and
  (2) subsequent service until January 31, 1955, if the veteran was qualified for the Korean Medal.

(s) "bonus" and "veterans bonus" mean the compensation authorized by this Act.

(t) "bonus claim" means a claim or potential claim for a veteran's bonus.

(u) "claimant" means one who seeks to obtain payment of a bonus claim.

Section 4. *Service for Which No Allowance shall be Made.*

No compensation shall be paid for time in service, of:

(a) Any civilian officer or employe of any branch of the armed forces, contract surgeon, cadet of the United States Military Academy, midshipman of the United States Naval Academy or of the Coast Guard, member of the Reserve Officers Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed to a training detachment of any of the foregoing), Phillipine Scout, member of the Philippine Guard, member of the Philippine Constabularly, member of the Puerto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular forces of the Navy, member of the Samoan native guard, and band of the Navy, or Indian scout, in each case, for the period of service as such;

(b) Any member of the Public Health Service, for any period during which he or she was not detailed for active duty with the armed forces;

(c) Any person granted a farm or induscrial furlough, for the period of such furlough.

(d) Any person detailed for work in the Spruce Production Division of the Air Service, for the period during which his pay was equalized to conform to the pay of civilian employes in the same or like employment.

Section 5. *Computation of Veteran's Bonus.*

(a) Every person determined by the Administrator to be a qualified veteran shall be paid the sum of nine dollars ($9.00) for each month and major fraction of a month of active duty, in the armed forces in the Continental United States, not to exceed in all the sum of three hundred dollars ($300.00); and the sum of fifteen dollars ($15.00) for each month and major fraction of a month of such service outside the Continental United States, subject to an aggregate limit for all service in the sum of five hundred dollars ($500.00). A veteran who served in one or more of the conflict periods defined in Section 3, subsections (o), (p), (q), and (r) of this Act, shall be limited to a maximum payment of three hundred dollars ($300.00) if no part of his total service during the periods specified was served outside the Continental United States, or five hundred dollars ($500.00) if a part of his total service during the periods specified was served outside the Continental United States.

(b) If a person determined to have been a qualified veteran shall be deceased at the time payment of the veterans bonus would otherwise be made to him, the amount of his bonus shall be paid to the first surviving beneficiary, if any, according to the order of priority defined in Section 3 (h) and if there be no surviving beneficiary, the bonus of such veteran shall lapse, and no payment thereof shall be made.

(c) A beneficiary (as defined in Section 3, subsections (h), (i), (j), (k), and (l) of this Act who meet residents requirements established by Section 3, subsection (e) of this Act) of a person killed in the line of duty while on active duty in the armed forces during the periods defined in Section 3, subsections (o), (p), (q), and (r) of this Act or person who died of service-connected injury sustained while on active duty in the armed forces during the conflict periods defined above shall be paid three hundred dollars ($300.00) if no part of his total service during these periods was served outside the Continental United States or five hundred dollars ($500.00) if any part of his total service during these periods was served outside the Continental United States. The provisions of Section 5 (a) of this Act and the minimum period of service for entitlement to a bonus as established by Section 3 (b) of this Act shall not apply to these beneficiaries. However, this exception does not waive the respective maximums of three hundred dollars ($300.00) or five hundred dollars ($500.00) for each veteran, person killed in the line of duty while on active duty in the armed forces, or person who died as a result of service-connected injury sustained while on active duty in the armed forces.

Section 6. *Applications.* All applications for the veterans bonus shall be submitted to the Administrator, in writing, upon forms prepared and made available by the Administrator; and shall be accompanied by such documentary evidence as the Administrator may by regulation prescribe. Every application shall be verified under oath, and shall contain representations of the claimant (or, if he shall have been adjudged incompetent, or be an infant, of his committee or guardian), that:

(a) the facts therein stated are true to the best of his or her knowledge and belief;

(b) All documents submitted in support of the application are believed by the claimant to be genuine originals, or copies, as the case may be; and the claimant has no knowledge that any fact appearing therein is false, or no longer true, or that the document has been superseded or cancelled;

(c) the claimant has not received a veterans bonus or like compensation from any other state;

(d) that the claimant has neither paid nor agreed to pay, directly or indirectly, any compensation for assistance received in preparing or tendering the application; and has not solicited, received, or agreed to receive, directly or indirectly, any compensations for rendering assistance to any other claimant; and

(e) the claimant has knowledge of the penal and forfeiture provisions of this Act.

Section 7. *Time of Filing Applications: Limitation of Time: Return of Late Applications.*

(a) No application shall be filed with or sent to the Administrator before the 1st day of June, 1960.

(b) No application may be filed with or sent to the Administrator after the thirty-first day of December, 1961; but if an application be sent by mail, the Administrator shall receive it if the post-mark on the envelope shows date and time of mailing at or before midnight, Central Standard Time, on or before the thirty-first day of December, 1961.

(c) Applications tendered to the Administrator otherwise than as provided in (a) and (b) above shall not be eligible for consideration under this Act and shall not be accepted. Each such application received by mail shall be returned to the sender, if a return address be given, together with notification of the reason for its return.

Section 8. *Bonus Claims to be Supported by Documentary Evidence and Affidavits; No Entitlement to Hearing; Administrator may Order Investigation or Hearings.*

(a) All facts material to determining whether the claimant is entitled to receive a veterans bonus shall be evidenced

(1) in any case where the same are shown in the official records of the Department of Defense, Veterans Administration, or any other department, bureau, or agency of the United States, by an authenticated copy of the record, or a certificate made by an authorized person in the department, bureau or agency concerned, or by a written communication signed by such authorized person;

(2) in any case where the same are shown in any public record of the Commonwealth or of any public body in the Commonwealth, by a copy of such record, or the material part thereof, attested by the Clerk or comparable officer;

(3) in any case where the same are shown in an instrument of writing, by tendering the instrument, or a photostat copy, or a copy authenticated in a manner acceptable to the Administrator;

(4) otherwise by affidavit.

(b) No claimant shall be entitled to an oral hearing as a matter of right; but the Administrator may in his discretion order a hearing in any case presenting unusual circumstances, or where it appears that documentary evidence of any material fact cannot reasonably be obtained, or where the claim cannot otherwise adequately be determined. The Administrator may investigate any matter which in his judgment is not adequately proven, or which shows or raises an inference of fraud; and may require submission of supplementary proof.

Section 9. *Hearing to be before single person, designated by Administrator; Procedure.* A hearing ordered by the Administrator shall be conducted by a single person designated by the Administrator. Formalities of judicial procedure and proof may be waived. No stenographic transcript of the proceedings shall be made except when specificially authorized by the Administrator; and in the absence of such authorization the hearing officer shall submit to the Administrator his written summary of the proceedings. There shall be no right to written or oral argument; but the Administrator may, in his discretion, authorize either.

Section 10. *Burden of Proof.* The burden of proving to the satisfaction of the Administrator that a veterans bonus is entitled to be paid shall in all cases be upon the claimant.

Section 11. *Prompt determination to be made.* The administrator shall make prompt determination that each application is approved or disapproved for payment of a veterans bonus; and if approved, shall determine the amount to be paid according to the provisions of this Act.

Section 12. *Notice of disapproval of claim to be sent to claimant; Review procedure.*

(a) If a claim is disapproved, the Administrator shall send a notice of such decision to the claimant by mail at the address shown in the application. The notice shall be in such form as the Administrator may determine, shall contain a designation of the reason for disapproval, shall inform the claimant of his or her right to seek review, shall have attached such form of request for review as the Administrator may prescribe, and shall give information as to procedure for review.

(b) Application for review of the Administrator's disapproval shall be made only on the forms prescribed and furnished by the Administrator; and shall be received in the office of the Administrator by the closing hour in the thirtieth (30th) day after the day upon which the notice of the disapproval is mailed by the Administrator, or be forever barred.

(c) Upon receiving an application for review, the Administrator shall transmit the same, together with the original application and all papers in the case, to the Board of Review, hereinafter created.

(d) The Board of Review shall promptly consider the same evidence which was available to the Administrator, and shall promptly enter in the case file its decision either finally affirming the Administrator's decision, or finally determining the claim and the amount thereof.

(e) The Board of Review shall send a notice of its decision to the claimant by registered mail, and shall return the case file to the Administrator. The decision of the Board of Review shall be a final determination of the claim shown in the application. There shall be no right of recourse on the part of the claimant or the Administrator in any court.

Section 13. *Effect of final disapproval; Procedure.* If the Administrator shall disapprove any claim, or if the decision of the Board of Review be affirmance of the Administrator's disapproval of the claim,

(1) no payment of a veterans bonus shall be made,

(2) the Administrator, upon receiving advice of the decision, shall note the same in a permanent book or record in his office; shall forthwith return to the claimant the copies of any official records submitted in support of the application; shall finally close the claim file; and may destroy all other papers except the application,

(3) no person having knowledge of the final disapproval of the claim thereafter shall file an application for payment of the same claim, or take action seeking in any manner to obtain payment of a veterans bonus thereon; and the filing of any such application, or the taking of any such action, shall constitute an offense under Section 18 of this Act.

Section 14. *Claim to be paid if finally approved; Procedure.*

(a) If a claim is approved by the Administrator or finally approved upon resort to the Board of Review, in whole or in part the Administrator shall promptly certify to the Commissioner of Finance the names and address of persons found entitled to be paid, as shown in the application, and the amount payable to each.

A copy of each such certificate shall be sent to the Commissioner of Revenue, who shall promptly ascertain from the records of his Department whether any person proposed to be paid a veterans bonus is delinquent in the payment of any tax liability to the Commonwealth. No delinquency shall be deemed to exist as to any asserted tax liability which is the subject of a bona fide dispute. If any delinquency be found to exist, the Commissioner of Revenue shall within three working days after this receipt of the certificate, furnish the details thereof to the Commissioner of Finance; and if no advice of tax delinquency is received by the Commissioner of Finance before the end of the fourth working day after his receipt of certification from the Administrator, he shall, for the purposes of this Act, conclusively presume that no delinquency of tax liability to the Commonwealth exists; but such presumption shall apply only to the existence or absence of a set-off by the Commonwealth against a certified claim for a veterans bonus, and shall not alter the facts as between the Commonwealth and any tax-payer.

If no advice of tax delinquency is received within such allowed time, the Commissioner of Finance may approve payment in accordance with the certificate of the Administrator, and may immediately draw a warrant on the State Treasury for a check in payment.

Upon receipt of such warrant the State Treasurer shall issue a check in accordance therewith payable from the proceeds of bonds in accordance with this Act, and the same shall promptly be mailed to the payee thereof at the address shown in the certificate.

(b) If the Commissioner of Finance shall, within the allowed time, receive advice from the Commissioner of Revenue of the existence of a delinquency on the part of any person having an approved claim for a veterans bonus, as to any tax liability to the Commonwealth, the Commissioner of Finance shall note the same on the certificate of the Administrator, withhold payment, and forthwith send to the claimant by registered mail a notice of the asserted delinquency, and the amount thereof, and that it is proposed that the same be set off against the veterans bonus payment.

If the Commissioner of Finance receives no protest in his office within ten working days after recording such notice, he shall conclusively presume that the proposed set-off is just, shall apply the amount thereof in reduction or extinguishment of the payment certified by the Administrator, and shall advise the Commissioner of Revenue of the amount set off against the veterans bonus, which advice shall be noted by the Commissioner of Revenue on the records of his office as a credit upon the delinquent tax liability.

If the tax set-off does not consume the entire amount of the veterans bonus as certified by the Administrator, the Commissioner shall draw a warrant upon the State Treasury for a check in the amount of the remainder, and upon receiving such check from the State Treasurer shall send the same, together with advice of the set-off, by mail, to the payee at the address shown in the certificate of the Administrator.

(c) If the Commissioner of Finance receives from the claimant, a protest of the asserted tax delinquency, within the allowed time, the Commissioner shall withhold approval for payment, and shall refer the protest to the Commissioner of Revenue for disposition.

(d) If a tax set-off is made, and the claimant shall assert error with regard thereto, the exclusive remedy shall be by seeking refund from the Commissioner of Revenue.

Section 15. *Board of Review: Appointment: Only three members to act in any matter; Compensation.*

(a) There shall be a Board of Review consisting of nine (9) persons who are residents and qualified voters of the Commonwealth, appointed by the Governor without limitation as to political affiliation, religion, race, sex, or past or present service in the armed forces, except that six (6) members of this Board shall be veterans. The name of said Board shall be "The Kentucky Veterans Bonus Board of Review." The Governor shall designate a chairman and a secretary from among the membership.

(b) Three members and no more shall constitute a Board of Review, and shall by concurrence of two members decide any claim which comes before the Board in the manner provided in this Act. The Chairman of the Board shall designate three members to consider and decide each claim, having due regard for availability for service so that delay may be avoided.

(c) The chairman and secretary shall devote their full time to the affairs of the Board and shall receive compensation at the rate to be fixed in accordance with personnel standards fixed by the Commissioner of Personnel until the functions of the Board are performed and the Board is dissolved as hereinafter provided.

Other members of the Board shall be compensated $25.00 per diem, but only for actual time served in considering and deciding claims for veterans bonus pursuant to designation by the chairman.

All members of the Board shall be reimbursed for necessary travel to and from their places of residence, and in performance of duties pursuant to assignment, at the rate of eight cents per mile.

(d) Each claim coming before the Board shall promptly be considered and decided by the three members designated for that purpose. In every case the Board shall either (a) affirm the decision of the Administrator, or (b) determine that a veterans bonus should be paid, and to what persons and in what amounts. No written opinions or recitations of reasons for any decision need be made. A statement of the decision made shall be signed by at least two of the three members designated to decide the claim; and upon concurrence of two members a decsion shall be final and not subject to reconsideration.

(e) When, after January 1, 1962, the Board of Review shall have decided all cases coming before it for decision, the chairman shall report such fact to the Governor in writing. The Governor shall thereupon declare that the Board of Review is dissolved, and shall so notify the members, and the functions and duties of the Board shall be deemed to have been fully performed.

Section 16. *Claims and payments non-assignable; Exempt from taxation; Exempt from claims of creditors and process of Courts until received from the Commonwealth.* Claims for payment of veterans bonus shall not be assignable before or after approval thereof; and any attempted or purported assignment received by or tendered to any officer of the Commonwealth shall be void, need not be acknowledged or returned, and may be disregarded.

Payments of the veteran's bonus shall be exempt from all taxation by the Commonwealth, its political subdivisions and taxing districts.

No claim for payment of a veteran's bonus and no payment made by the Commonwealth under this Act shall give rise to a cause of action against the Commonwealth or any of its officers, agents, or employees, and no claim for payment shall be subject to attachment, levy, garnishment or seizure by or under any legal or equitable process whatever; but this provision shall not extend exemption from legal process to the proceeds of any veteran's bonus payment after the same has been received from the Commonwealth.

The Commonwealth does not consent to be sued in any Court with regard to any matter connected with or arising out of claims for payment of the veterans bonus herein authorized.

Section 17. *Charging fees for assistance a misdemeanor; Penalty.*

Any person who charges or collects or attempts to charge or collect either directly or indirectly, any fee or other compensation for assisting in any manner a person seeking to obtain payment of a veteran's bonus, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than $500.000 or imprisonment for a term of not more than six (6) months, or both; but this provision is not intended to prohibit:

(a) collection by public officers of statutory fees for providing authenticated copies of public records, or

(b) collection by Notary's Public of not exceeding fifty cents (50c) for administering an oath and giving a certificate thereof, or

(c) the giving of assistance or advice to claimants by any bona fide veteran's organization, civic organization, institution, public or private body, or person, through one or more persons compensated from the funds of such organization, institution, or public or private body or person, if no fee or charge therefore is collected from the asserted claimant.

Section 18. *False or Fraudulent claims; Penalty.* Whoever makes any false or fraudulent statement of a material fact in any application, affidavit, certificate or document submitted or tendered for the purpose of obtaining payment of a veteran's bonus under this Act, shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $1000.00 or imprisoned for a term not more than two (2) years, or both.

Section 19. *Conspiracy; Penalty.* Any persons conspiring to obtain payment of a fraudulent claim for a veterans bonus, or conspiring to defraud one who receives payment or has a bona fide claim for payment of a veterans bonus, shall be guilty of a felony, and upon conviction thereof, shall be fined no more than $1000.00, or imprisoned for not more than two (2) years, or both.

Section 20. *Forfeiture of rights to veterans bonus for violation of Sections 17, 18 and 19.*

Any person convicted of any offense denounced in Sections 17, 18 and 19 of this Act shall forfeit his or her right, if any, to receive any payment authorized by this Act.

Section 21. *Administrator and Commissioner of Finance to Notify State Property and Buildings Commission of sums required for payment of veterans bonus.*

The Administrator and the Commissioner of Finance shall, from time to time, prepare estimates of the sums anticipated to be required for payment of the veterans bonus and the times when the same shall be required to be available. Advice of such estimates shall be given by them to the State Property and Buildings Commission with direction that bonds of the Commonwealth be issued and sold in such manner as to provide the required sums at the proper times.

Section 22. *State Property and Buildings Commission to authorize and sell bonds: same to constitute general obligations of the Commonwealth: pledge of requisite portions of proceeds of retail sales tax.*

For the purpose of providing funds for payment of the veterans bonus authorized by this Act, the State Property and Buildings Commission shall from time to time as funds are anticipated to be required, provide by Resolution for the issuance and sale of general obligation bonds of the Commonwealth, for payment of which, both principal and interest when due, the full faith, credit, resources and unlimited taxing power of the Commonwealth shall irrevocably be pledged, together with, additionally, a specific pledge of and first charge upon the proceeds of the retail sales tax required to be levied by the provisions of Chapter 48, Acts of 1958, referred to in *Section I* of this Act.

Section 23. *Date and maturities of bonds: other details to be determined from time to time by the State Property and Buildings Commission.*

All bonds issued hereunder shall be dated July 1, 1960, and shall mature on or prior to thirty years from such date as the State Property and Buildings Commission may provide in each Resolution authorizing the issuance and sale of such bonds. The State Property and Buildings Commission shall in each such Resolution determine other details, including whether the bonds shall be of term or serial maturities, and the amount which shall mature on any serial maturity date; denominations; whether the bonds, or any of them, shall be subject to redemption prior to stated maturities and upon what terms; place or places of payment of principal and interest, which may be within the Commonwealth or outside thereof whether the bonds shall have semiannual interest coupons annexed; be registered or registerable as to principal or interest, or both; and any other details not contrary to law or inconsistent with this Act which in the discretion of the said Commission may appear wise and expedient. The Commission shall fix and establish the interest rate or rates for each issue of bonds, and interest shall be payable semiannually. Each sale shall be publicly advertised at least 10 days in advance of the date established for the opening of purchase bids by at least one publication in a financial newspaper or journal published in the city and state of New York and at least one publication in a daily newspaper of bona fide general circulation throughout the Commonwealth.

Section 24. *Bonds exempt from taxation; designation of signing officers; temporary bonds; no other approvals required.* The bonds and receipt of interest thereon shall be exempt from all taxation by the Commonwealth and its political subdivisions. The bonds shall be signed in the name of the Commonwealth by the facsimile signatures of the Governor and Treasurer of the Commonwealth, and the Great Seal of the Commonwealth or a facsimile thereof shall be affixed thereto and attested by the validating manual signature of the Secretary of State and the facsimile signature of the Treasurer shall be printed upon the interest coupons, if any. In case any officer whose signature or a facsimile shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile signature shall, nevertheless, be valid and sufficient for all purposes, the same as if he had remained in office until delivery. All bonds issued under this Act shall have and are hereby declared to have all the incidents of negotiable instruments. Prior to the preparation of definitive bonds, the State Property and Buildings Commission may issue interim receipts or temporary bonds, with or without interest coupons, exchangable for definitive bonds when the same shall have been executed and are available for delivery; and provision may also be made for the replacement of any bonds which shall become mutiliated or be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau, or agency of the Commonwealth and without any other proceedings or the happening of any conditions or things other than the proceedings, conditions, and things which are specifically required by this Act.

Section 25. *Proceeds of bonds to be segregated in State Treasury for payment of veterans bonus, and of expenses incurred in issuance of bonds: disposition of ultimate surplus, if any.*

The proceeds of all bonds issued and delivered under this Act shall be deposited from time to time in the State Treasury and shall be segregated in a special fund, hereby created, which shall be designated the "Veterans Bonus Fund." Monies in said fund from time to time shall be disbursed solely for payment of approved veterans bonus claims, and for the expenses incurred in issuing such bonds. Pending disbursement, the same may be invested and reinvested as the State Property and Buildings Commission may from time to time prescribe; and income from the investments shall be credited to such fund.

If there shall be an undisbursed balance in said fund after payment of all approved claims received by the Administrator within the time limits established in Section 7 of this Act, the same shall be transferred to the General Fund of the Commonwealth.

Section 26. *Administrator authorized to make regulations.*

This Act shall be given a liberal construction in the interpretation thereof. The Administrator shall have power to make rules and regulations for implementing this Act; and when promulgated according to KRS Chapter 12, the same shall have the force and effect of law.

Section 27. *Appropriations.*

There is hereby established a veterans bonus administration fund in the Department of Finance, and to this fund there is hereby appropriated from the General Expenditure Fund one million dollars ($1,000,000.00) for fiscal year 1959-60. The Commissioner of Finance shall have the responsibility for allotting the funds in this account to agencies responsible for the execution of this Act as the need for such funds is evidenced to him. Any unencumbered balance at the end of the fiscal year 1959-60 shall be carried forward into the fiscal year 1960-61, and any unencumbered balance at the end of the fiscal year 1960-61 shall be carried forward into the fiscal year 1961-62. Any unencumbered balance existing when the Board of Review is dissolved by the Governor shall revert to the General Expenditure Fund.

Section 28. *Emergency.*

It is found and declared that the public interest requires prompt payment of the veterans bonus; and to that end it is essential that the Administrator forthwith commence preparations for receiving and processing claims so that personnel may be trained, premises made ready, forms prepared and regulations promulgated. Accordingly an emergency is declared to exist and this Act shall be effective upon approval by the Governor.

Calendar

HB 97, HB 48, HB 36, HB 174, HB 173, HB 142, HB 17, HB 56, HB 152, HB 166, SB 12, SB 41, SB 52, SB 53 and **SB 54** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 46 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Denham moved to adopt the committee substitute for **HB 46.** Agreed. Representative Denham moved the Previous Question on **HB 46.**

On the roll call, the vote was yeas 48—Barton, Bates, Brizendine, Earl Carter, Caudill, Clark, Colley, Cowherd, Dean, Denham, Dexter, Dobyns, Farmer, Fern, Fields, Fitzpatrick, Ford, Hardin, Hardwick, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Lovins, Lyon, Ben Martin, Miles, Murphy, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Ray, Reynolds, Robinson, Slusher, J. D. Smith, Stacy, Steiger, Stidham, Tanner, Tucker, J. E. White, Wood. Nays 16—Buckman Castle, Childress, Crecelius, Davis, Ellis, Garner, Haley, Irick, Lankford, Miller, Fred Morgan, Quinn, Albert C. Smith, Virgil Smith, Glenn T. White. The Previous Question was adopted.

On the roll call, the vote was yeas 55—Barton, Bates, Brizendine, Caudill, Childress, Clark, Colley, Cowherd, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Haley, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Isler, Lovins, Lyon, Ben Martin, Miles, Miller, Fred Morgan, Murphy, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Ray, Reynolds, Robinson, J. D. Smith, Spurrier, Stacy, Steiger, Stidham, Tanner, Treas, Tucker, J. E. White, Wood. Nays 10—Buckman, Earl Carter, Crecelius, Davis, Ellis, Hardwick, Irick, Lankford, Quinn, G. T. White. **HB 46** was passed and the title agreed to.

Representative Ray moved that **HB 69** be taken from Orders of the Day. Agreed. Representative Ray moved to concur in the following Senate Amendment: "Amend printed copy of House Bill 69 on Page 2, Section 2, (3) (a), Line 19 by deleting the word "of" and inserting in lieu thereof the word "or". Agreed. Representative Ray moved the Previous Question on **HB 69.** Agreed.

On the roll call, the vote was yeas 81—Alexander, Barton, Bates, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Quinn, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 69** was passed and the title agreed to.

Senate Message

Announcing passage of **SB 10** and **SB 81.**

Orders of the Day

HB 122 be taken from Orders of the Day and ordered read at length for third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Fitzpatrick moved to amend HB 122 as follows: "Amend printed copy of HB 122 on page 2, section 1, Line 6 By striking the words: "a per diem allowance of twenty-five dollars." and inserting in lieu thereof the words: "an expense allowance of twenty-five dollars for each legislative day." Agreed. Representative Tanner moved to postpone roll call on HB 122 until 8:30 P.M., February 29. Rejected.

Representative Ray moved the Previous Question on **HB 122.** Agreed.

On the roll call, the vote was yeas 58—Bates, Brizendine, Buckman, Earl Carter, Castle, Childress, Chumbler, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Haley, Hall, Hardin, Hardwick, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Ben Martin, Miles, Moorman, Fred Morgan, Murphy, Nolan, Osting, Qualls, Quinn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Stidham, Summe, Treas, Tucker, Wood. Nays 18—Alexander, Barton, Clark, Edmunds, Harris, Hill, Lyon, Miller, Moloney, Luther F. Morgan, Nichols, Osborn, Parrish, Peniston, Spurrier, Steiger, Tanner, G. T. White. **HB 122** was passed and the title agreed to.

Representative Ray moved that **HB 147** be placed on the Clerk's desk. Agreed.

SB 33 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 79—Alexander, Barton, Bates, Brizendine, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Hays Hill Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon Ben Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Quinn, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0.

SB 33 was passed, and the title agreed to.

Introduction of Bills and Resolutions

HB 204, by Representatives Irick, Luther F. Morgan, Nolan and Moorman: AN ACT relating to motor vehicle registration.

HB 205, by Representatives Brizendine, Moorman, Hislope, Dowell, Ford and Cook: AN ACT relating to unemployment insurance.

HB 206, by Representative Harris: AN ACT relating to gas distribution systems.

HB 207, by Representatives Cook, Moorman, Moloney, Lovins and Hislope: AN ACT relating to dairy product marketing, and repealing KRS 260.300 to KRS 260.390 inclusive.

HB 208, by Representative Hopkins: AN ACT relating to insurance applications, amending KRS 304.656.

HB 209, by Representative Ray: AN ACT relating to extradition of fugitives from justice.

HB 210, by Representatives Clark, Hays and Osborn: AN ACT relating to fishing.

HB 211, by Representatives Luther F. Morgan, Irick, Bates, Dowell, Ellis and Moorman: AN ACT relating to motor transportation, amending Section 281.645 of the Kentucky Revised Statutes and declaring an emergency.

Representative Ray moved to adjourn until 12:00 Noon, February 9. Agreed.

TWENTY-NINTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 9, 1960

The House was called to order by the Speaker.

Invocation by Reverend Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Cole, Cook, Cottengim, Hahn, Hall, Miles, Fred Morgan, Neel, Peniston, Render, Stidham who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 8, dispensed with and the same approved on motion of Representative Isler.

Chief Justice Montgomery of the Court of Appeals of Kentucky administered the oath of office to Representative Cordell H. Martin of Knott County.

Senate Message

Announcing passage of **SB 97, SR 25, HR 24, HB 12.**

Motions, Petitions and Communications

Representative Haley moved that **HB 6** be taken from the Clerk's desk, read at length for the first time, and placed in the Calendar.

On the roll call, the vote was yeas 15—Barton, Burress, Castle, Clark, Paul Cornett, Edmunds, Ford, Garner, Griffin, Haley, Hardwick, Hislope, Ostertag, Parrish, Spurrier. Nays 37—Alexander, Bates, Brizendine, Buckman, Chumbler, Cole, Colley, Cowherd, Davis, Dobyns, Ellis, Fern, Fields, Fitzpatrick, Hahn, Hays, Henry, Houtchens, Irick, Isler, Lovins, Lyon, Ben Martin Miles, Moorman, Fred Morgan, Murphy, Nichols, Peniston, Robinson, Albert C. Smith, Virgil Smith, Summe, Tucker, Glen T. White, John E. White and Young. The motion to take **HB 6** from the Clerk's desk was rejected.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 68, HB 69, HB 70, HB 72** and **HB 73** had been examined and found correctly enrolled. **HB 68, HB 69, HB 70, HB 72** and **HB 73** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 68, HB 69, HB 70, HB 72 and **HB 73** delivered, signed by President of Senate. Ordered delivered to the Governor.

Representative Ray moved to adopt **SR 25.** Agreed.

SR 25, A CONCURRENT RESOLUTION requesting the House of Representatives to return House Bill No. 67 to the Senate.

WHEREAS, House Bill 67 of this session, which relates to fees for additional clerks' duties under the Uniform Commercial Code, has passed both the House of Representatives and the Senate; and

WHEREAS, the bill purported to amend KRS 64.010, but did not set out the present text of the section; and

WHEREAS, it is preferable to amend the section by setting out both the present text and the new matter.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring:

That the House of Representatives return said House Bill No. 67 to the Senate so that the Senate may amend said House Bill No. 67 by setting out in its entirety the amended version of KRS 64.010 incorporating only those changes embodied in the original House Bill No. 67.

Introduction of Resolutions

HR 51, by Representative Edmunds:

HR 51, A RESOLUTION providing for an investigation into the condition of the Governors Mansion, its furnishings and facilities; providing for a committee to make such investigation and prescribing its duties.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. A committee to inspect and investigate into the condition of the Governors Mansion, its furnishings and facilities shall be composed of eight members of the House; one member to be named and selected from each of the eight Congressional districts of the Commonwealth by the members of the House representing each of the districts immediately following the passage of this Resolution.

Section 2. The eight members selected pursuant to the provisions of Section 1 hereof shall be duly appointed by the Speaker of the House of Representatives as members of the Executive Mansion Committee and shall be authorized, empowered, and directed to inspect and investigate fully the condition of the Governors Mansion, its carpeting, furnishings, appliances, facilities, and interior decorating.

Section 3. The committee shall proceed as rapidly as possible with its inspection and investigation as outlined in Section 2 hereof and make a report of its findings to the House of Representatives not later than March 1, 1960.

Representative Edmunds moved to adopt **HR 51.** Agreed.

HR 50, by Representative Ray:

HR 50, A RESOLUTION requesting the Department of Education to investigate the need for a four year college in eastern Kentucky, and to suggest a less misleading name for Eastern State College.

WHEREAS, the people of eastern Kentucky realize the necessity of providing a proper education for the youth of their area; and

WHEREAS, there are forty counties, a third of the Commonwealth, in eastern Kentucky which have no four year state colleges within their boundaries nor even within one hundred and fifty miles from their boundaries; and

WHEREAS, the name "Eastern Kentucky State College" appears to lull the populace of the Commonwealth into believing the people of eastern Kentucky have a college in their midst;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Education be, and it hereby is, requested to investigate the need for a four year state college—not a two year college or extension branch of another school—but a four year college equal to the other state colleges.

Section 2. That the Department of Education be, and it hereby is, further requested to submit to the General Assembly a new name for the institution presently known as Eastern Kentucky State College.

Section 3. That the Clerk of the House of Representatives is directed to forward a copy of this Resolution to the Department of Education.

Representative Ray moved to adopt **HR 50.** Agreed.

HR 52, by Representative Roberts:

HR 52, A RESOLUTION inviting Rev. J. R. Tackett to open the session on Monday, February 15, 1960, with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Reverend J. R. Tackett, pastor of the First Baptist Church of Walton, Kentucky, be and he hereby is invited to open the session of the House of Representatives on Monday, February 15, 1960, with prayer.

Section 2. The Clerk of the House of Representatives is directed to forward a copy of this resolution to the Reverend J. R. Tackett.

Representative Roberts moved to adopt **HR 52.** Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 68, HB 69, HB 70, HB 72, HB 73, SB 1** and **SB 2** had been examined and found correctly enrolled. **HB 68, HB 69, HB 70, HB 72, HB 73, SB 1** and **SB 2** were read at length, compared, and signed in open session by the Speaker. **HB 68, HB 69, HB 70, HB 72, HB 73, SB 1, SB 2** ordered delivered to the Senate. **HB 68, HB 69, HB 70, HB 72, HB 73,** delivered, signed by Speaker of the House. Ordered delivered to the Governor.

Report of Committees

Committee on Agriculture reported that **HB 169, HB 175** and **HB 197,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 169, AN ACT relating to milk and cream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Buyer" shall include any person, partnership, corporation, association, organization or concern who receives milk or cream from producers and pays for it on basis of amount, weight, or test, except that it does not include persons who buy milk or cream for their own consumption;

(2) "Buy", "Buying", or "Bought" shall mean the purchase of milk or cream from producers or their agents on basis of amount, weight or test;

(3) "Milk Tester" shall include any person who tests milk or cream, bought by buyers from producers, to determine the constituents or quality of such milk or cream and uses, or submit for use, these tests in determining the price paid for it;

(4) "Sampler and Weigher" shall include any person who samples, weighs, or measures milk or cream purchased by buyers from producers;

(5) "License to Buy" means the license issued to buyers of milk or cream purchased from producers or their agents on basis of its volume, weight or test;

(6) "License to Test" means the license issued to milk and cream testers;

(7) "License to Sample and Weigh" means the license issued to samplers and weighers;

(8) "Board" means the Examining Board;

(9) "Director" means the Director of the Agricultural Experiment Station, College of Agriculture and Home Economics, University of Kentucky;

(10) "Producer" means any person, partnership, corporation, asso-

ciation, organization, or concern keeping milk cows for production of milk for sale or separation for the sale of cream;

(11) "Buying Location" means each separate business place where non-packaged milk or cream is purchased, such as cream buying station, milk receiving station, milk plant, creamery, cheese factory, condensery, or ice cream factory;

(12) "Stamped Testware" means test bottles, test weights, and other test equipment inspected and stamped with an indelible and distinguishing mark by the Experiment Station;

(13) "Standard Testware" means test bottles, test weights, pipettes and other measuring or calibrating devices approved by the Director for use in Kentucky;

(14) "Cream Station" means a place where cream is received, weighed, sampled, consolidated and shipped to a creamery or factory;

(15) "Milk Equivalent" means the amount of whole milk required to make other dairy products; thus, to convert butterfats to milk equivalent, multiply the pounds of butterfat by 25, for 4% milk.

Section 2. It shall be unlawful for any buyer of milk or cream in this state to:

(1) Buy milk or cream from producers or their agents without obtaining a license for each buying location where such milk or cream is received;

(2) Receive any pay for milk or cream on basis of weights or tests without having it sampled and weighed or measured by a licensed weigher and sampler or tested by a licensed tester;

(3) Manipulate weights, measurements or tests, that is, to pay for milk or cream on basis of any weight or measurement or test that it not the true and legal weight or test;

(4) Manipulate or falsify records or to use records of weights or tests as basis for payment that are not correct and legal weights, measurements or tests;

(5) Receive milk or cream purchased from producers by a cream station operator or milk receiving station that does not have a license to buy;

(6) Use weighing, mixing, sampling, or testing equipment which is inaccurate or non-standard;

(7) Fail to comply with such regulations for weighing, measuring, sampling and testing milk or cream as may be issued by the Director.

Section 3. Except as provided in subsection (4) of this section, it shall be unlawful for any milk sampler or weigher in this state to:

(1) Sample, weigh, or measure milk or cream without obtaining a license to sample and weigh;

(2) Inaccurately sample, weigh, or measure milk or cream;

(3) Fail to comply with such regulations for the sampling, weighing or measuring of milk or cream as may be issued by the Director;

(4) Provided, however, that any milk tester who holds a license to test or temporary permit to test may sample, weigh and measure milk or cream according to the provisions of this Act without obtaining a license to sample and weigh.

Section 4. It shall be unlawful for any milk tester in this state to:

(1) Weigh, measure, sample or test milk or cream bought from producers on basis of such measures, weights or tests without obtaining a license or permit to test;

(2) Inaccurately weigh, measure, sample, or test milk or cream;

(3) Use inaccurate unstamped or non-standard equipment in weighing, measuring, sampling or testing, of milk or cream.

Section 5. Every creamery, milk shipping station, milk factory, cheese factory, condensery, ice cream factory or other milk processing or manufacturing plant or person, or agent, firm, company, association or corporation buying milk or cream from producers or their agents shall secure and hold a license to buy for each buying location where such milk and cream is received. Application for a license shall be made to the Director, the application to be accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of the application and fee, the Director shall issue to the buyer a license to buy milk or cream provided the buyer is in compliance with the provisions of this Act and the regulations relating to the sampling, weighing, testing or buying of milk or cream as may be issued by the Director; the license to expire on June 30 of the license year for which it is issued.

Section 6. (1) Except as provided in subsection (2) of this section, all persons who test milk or cream bought by buyers from producers shall secure and hold a license to test.

(2) Any person who tests milk or cream bought by buyers from producers not holding a current license to test shall demonstrate his proficiency in testing by satisfactorily passing an examination prescribed by the Director. Prior to taking an examination for a license, he may apply for and secure a temporary permit under one of the following conditions:

(a) Submit evidence of having successfully completed a recognized course in dairying;

(b) Has held a valid testers license in another state;

(c) Has worked with a licensed tester at least two weeks and has a certification from this licensed tester that he is qualified to test;

(d) Has a certificate signed by a field representative of a cream company stating that the applicant is a cream station operator and has been properly instructed in testing procedures and is competent in performing milk or cream tests.

(3) Application for a license or temporary permit to test shall be on a form prescribed by the Director and accompanied by the license fee or permit fee provided for in Section 9 of the Act.

Section 7. (1) All persons who weight, measure or sample milk or cream bought by buyers from producers shall secure and hold a license to sample and weigh; provided, however, that licensed testers may sample, measure, and weigh under the authority of their license to test. Application for such license shall be made on a form prescribed by the Director and accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of the application and fee, the Director shall issue to the sampler and weigher a permit to sample and weigh, then after investigations show him qualified, a license to sample and weigh milk and cream, provided that the sampler and weigher is in compliance with the provisions of this Act and such regulations relating to weighting, measuring, and sampling of milk and cream as may be issued by the Director; the license to expire on June 30 of the license year for which it is issued.

(2) All persons who transfer milk from farm bulk tanks to bulk tank trucks for transporting to a buying location shall secure and hold a license to sample and weigh.

Section 8. Test equipment including test bottles, pipettes, weights, scales and other measuring or calibrating devices used in testing milk and cream under the provisions of this Act which are calibrated or adjusted so as to determine the results or accuracy of results of such test shall be inspected by the Experiment Station. Equipment found accurate shall be stamped, sealed or permanently marked so as to be distinguishable. The charge for initial inspection of test equipment shall be as prescribed by the Director but not to exceed three cents per piece. Equipment to be stamped for use in Kentucky shall be limited to those items listed and described on an approved list published periodically by the Director.

Section 9. The license fees to be paid for respective licenses provided for in Section 5, 6 and 7 of this Act shall be as follows:

(1) Buyers;

(a) For cream stations—$6.00 per year for each license; provided, however, that those places beginning operation after July 1 shall pay 50¢ per month or fraction thereof for the months remaining in the license year ending June 30;

(b) For each creamery, milk shipping station, milk factory, cheese factory, condensery, milk processing plant, person, agent, firm, company, association or corporation an amount determined according to the following schedule:

1. $25.00 per license for those buying less than 1,000,000 lbs. of milk or milk equivalent during the past year;

2. $75.00 per license for those buying more than 1,000,000 lbs. of milk or milk equivalent but less than 10,000,000 lbs. during the past year;

3. $100.00 per license for those buying more than 10,000,000 lbs. of milk or milk equivalent during the past year;

4. $2.10 for each month or fraction thereof remaining in the license year for the initial license of places which begin operation during the year.

(2) Testers: License to test or temporary permit to test—$3.00 per year.

(3) Samplers and weighers: $3.00 per year.

Section 10. (1) In order to secure sufficient funds to execute the provisions of this Act, and to insure accuracy in the weighing, sampling, testing, correctly calculating payments, and keeping of records of milk and cream purchased or received from producers or their agents every milk-shipping station, milk factory, cheese factory, condensery, ice cream factory or other milk processing or manufacturing plant, or person or agent, firm, company, association or corporation in Kentucky which purchases or receives milk or cream from producers or their agents during the month of May, 1961, and during the month of May of each and every year thereafter, shall pay to the Director of the University of Kentucky Agricultural Experiment Station, for such fluid milk, or milk equivalent so delivered during the month of May, 1961, and the month of May of each and every year thereafter, a sum equal in amount to one cent per hundredweight for all milk or milk equivalent so purchased during such time. For the financing of the producers' share of this program the buyer, or his agent, shall charge one cent per hundredweight back to the producer association or cooperative and for those patrons who do not belong to producer associations or cooperatives, the buyer, association, or their agents shall make this charge directly to the individual producer. Butterfat purchased by such parties from such producers other than in the form of fluid milk shall be converted for the purpose of such deduction, into milk equivalent by multiplying the pounds of butterfat by 25.

(2) Payments for the month of May, 1961 and for the months of May of each and every year thereafter, shall be made to the Director of the University of Kentucky Agricultural Experiment Station, not later than the fifteenth day of June, 1961, and the fifteenth day of June of each and every year thereafter.

(3) The meaning and intent of this section of this Act is that all milk and cream regularly sold by producers, irregardless of their residence, to licensed buyers in Kentucky shall be accounted for and the one cent per hundredweight paid to the Experiment Station. Un-

less a satisfactory substitute arrangement is made the deduction, assembly, accounting and payment shall be made by the concern that pays the producers. There is no intention to prevent transfer of relatively large quantities of milk from one buyer to another provided the records show how payments including the one cent per hundredweight referred to herein are handled and paid. In this connection all persons, firms, corporations, associations, or the agents for same, responsible under the terms and meaning of this Act, to collect, assemble, and make payments to the Experiment Station, are also required to submit certified reports with monies paid, on forms prescribed by the Experiment Station, covering the milk and butterfat in cream converted to milk equivalent.

Section 11. The Director is charged with the enforcement of this Act and may, subject to recommendation of the Board, employ all proper means to aid and assist in the enforcement of its provisions, including the revocation or suspension of a license as provided in Section 12 of this Act. The Director may delegate the administration of his responsibilty, and may employ such personnel as may be necessary to assist him in the enforcement of the Act. Personnel engaged in the enforcement of this Act and duly authorized by the Director may inspect testing equipment and scales, take samples, make tests and retests, and may examine records of weights, tests and payments and fees required in Section 10, of milk and cream at licensed places. Subject to recommendations of the Board, the Director shall promulgate reasonable regulations necessary to supplement this Act relating to the buying of milk and cream, the inspecting and stamping of glassware, testware and test weights used in testing milk and cream to assure accuracy, the definition of standard testware, and the levying of an inspection and stamping charge for each item of glassware, testware, and test weights inspected and stamped, and may make other regulations reasonably calculated to promote the purposes of this Act.

Section 12. The Director may revoke or suspend any license issued under authority of this Act; provided, however, that such revocation or suspension shall occur only when the licensee has failed to comply with the provisions of this Act or the rules and regulations issued thereunder, and provided that such revocation or suspension shall occur only upon written recommendation to the Director by the Examining Board and after the licensee has had an opportunity, upon due notice, at a hearing before the Board, to show cause why his license should not be revoked or suspended.

Section 13. Upon the revocation of any license, the licensee may within sixty days appeal the revocation order of the Director by filing suit in the Franklin Circuit Court.

Section 14. The responsibility for advising the Director concerning enforcement of this Act, for reporting violations, for conducting investigations and hearings pursuant to recommending revocation or suspension of a license, and for recommending rules and regulations to be issued by the Director, is vested in an Examining Board. The Board shall be composed of the Head of the Dairy Dept., College of Agriculture and Home Economics, University of Kentucky, who shall be Chairman, and three members appointed by the Director. Two of the three appointed members shall be appointed from a list of four persons nominated by the Dairy Committee of the Kentucky Farm Bureau Federation and the third appointed members shall be appointed from a list of two persons nominated by the Executive Committee of the Dairy Products Association of Kentucky. The appointed members shall serve for a term of three years and until their successors are appointed and qualify; except that the first appointments made under this Act shall be for terms of one, two, and three years respectively as the Director shall designate. The Board shall meet at such a time and place as the Chairman shall designate. Three members present as any meeting shall constitute a quorum, and upon the written request of any two members, the Chairman shall call a meeting at the time and place requested. Board members not already employed by the State shall be compensated at the rate of $15.00 per day for Board service and all members shall be reimbursed for any actual expense incurred in performing Board duties.

Section 15. All moneys resulting from the payment of license fees, inspection and stamping charges, or other charges provided for in this Act shall be paid to the Director and shall constitute a special and separate fund which shall not lapse and which shall be expended by the Director under authority of the Board of Trustees of the University of Kentucky on proper and separate vouchers. This fund shall be used primarily for discharging expenses incurred in enforcing this Act and any portion of the fund not necessary to this purpose shall be used to support research pertaining to methods and equipment for sampling and testing dairy products or such other dairy research work as the Director may recommend.

Section 16. (1) Any tester or sampler and weigher violating, or failing, or refusing to comply with Section 2 or 5 of this Act, shall upon conviction, be fined $100 for the first offense and not less than $100 nor more than $1,000 for each subsequent offense.

(2) Any creamery, milk shipping station, milk factory, cheese factory, condensery, ice cream factory, or other milk processing or manufacturing plant or person, or agent, firm, company, association or corporation violating, or failing, or refusing to comply with Sections 3, 4, 6, 7 and 10 of this Act shall be guilty of a misdemeanor and upon conviction, shall be fined no more than $1,000, or imprisoned for no more than one year, or both.

HB 175, AN ACT relating to the marketing of eggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 260.600 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license is required of each handler of eggs located in the Commonwealth subject to the exceptions specified in KRS 260.550. The annual license fees are as follows, varying for dealers, wholesalers and processors, according to the average weekly volume of the month in which the licensee handled the most eggs during the preceding year:

(a)	Retailers	$ 5.00
(b)	Dealers and Wholesalers	
	1-25 cases	$ 5.00
	26-50 cases	$ 10.00
	51-100 cases	$ 15.00
	More than 100 cases	$ 20.00
(c)	Processors	
	Less than 250 cases	$ 20.00
	250-500 cases	$ 30.00
	501-1000 cases	$ 40.00
	More than 1000 cases	$ 50.00

(2) Any egg handler engaged in more than one type of activity for which a license is provided must pay that license fee which is the highest of the licenses prescribed for each type of activity in which he is engaged.

(3) All eggs bought or sold by or to any egg handler must bear a two cent (2c) inspection fee stamp for each 15 dozen lot or portion thereof; subject to the exemptions specified in Section 260.550.

(4) All licenses shall expire on April 1 of each year. Handlers having more than one place of business must hold a license for each place. Each application shall bear the names of the persons responsible for candling and grading eggs.

Section 2. Section 260.610 of the Kentucky Revised Statutes is amended to read as follows:

(1) All eggs bought or sold by or to retailers, consumers, and institutional users by licensees shall be identified according to grade and size, using USDA standards and weight classes for consumer grades.

(2) Eggs to be offered for sale for human consumption shall be handled in such manner as to maintain and preserve the quality and grade in which they are to be offered for sale.

(3) No person shall sell, offer or expose for sale, or have in his possession for sale, for human consumption, eggs that are inedible, including eggs that are unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, or blood ring,

adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filty decomposed substance.

Section 3. Section 260.620 of the Kentucky Revised Statutes is amended to read as follows:

Eggs offered for sale as graded eggs shall conform to the standards prescribed in administrative regulations adopted by the department. Such standards shall conform to the federal standards for grading eggs for sale.

Section 4. Section 260.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) All wholesale egg packs consisting of cases or portions of cases must bear a label designating contents, quality, date of packing, candler's name or number, dealer's name and address, and size if sold as graded eggs.

(2) Graded eggs offered for sale in cartons or other packs containing one dozen or less shall be plainly marked as to grade, quality, and size with letters not less than one-fourth inch in height.

HB 197, AN ACT relating to the control of pests and noxious weeds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics; and

(3) "Division" means the Division of Pest and Noxious Weed Control.

Section 2. Section 246.030 of the Kentucky Revised Statutes is amended to read as follows:

The department shall consist of:

(1) The Commissioner;
(2) The Board of Agriculture;
(3) The State Fair Board;
(4) The Division of Markets;
(5) The Division of Weights and Measures;
(6) The Board of Veterinary Examination; and
(7) The Division of Pest and Noxious Weed Control.

Section 3. The Division of Pest and Noxious Weed Control in the Department of Agriculture, Labor and Statistics shall be under the supervision of the commissioner and shall consist of personnel determined and appointed by him.

Section 4. The Division shall promote and sponsor programs to control pests and noxious weeds, enforce related regulatory and service measures assigned to the department, and conduct a Johnson grass control and eradication program.

Section 5. In order to perform the duties listed in Section 3 of this Act, the Division may:

(1) Utilize the services of a State Advisory Committee on Johnson grass control to be composed of persons interested in Johnson grass control appointed by the commissioner;

(2) Issue and enforce regulations for the eradication and control of noxious weeds, including Johnson grass, and pests;

(3) Cooperate with county agricultural agents, vocational agricultural teachers, University of Kentucky extension specialists, civic groups, or any federal, state or county agency in promoting county programs and organizations to control and eradicate noxious weeds and pests;

(4) Conduct or assist any governmental agency in conducting local or county-wide surveys to determine the degree of Johnson grass infestation;

(5) Cooperate with federal or state agencies in research and educational work in the field of pest and noxious weed control;

(6) Assist counties in qualifying for cost sharing programs to control Johnson grass or other noxious weeds;

(7) Publicize the threat of noxious weeds and pests and methods of combating them;

(8) Cooperate with the Department of Highways, county fiscal courts, transportation and industrial organizations in controlling Johnson grass and other noxious weeds on their premises and right of ways.

(9) Accept funds or contributions to carry out the purposes of this Act.

Section 6. To carry out the purposes of this Act, there is appropriated to the Department out of the General Expenditures Fund in the State Treasury the sum of fifty thousand dollars for the 1960-61 fiscal year and the sum of fifty thousand dollars for the 1961-62 fiscal year.

Committee on Motor Transportation reported **HB 104**, with the expression of opinion that the same should pass with Committee Amendment attached thereto.

Read at length for the first time and ordered placed in the Calendar.

HB 104, AN ACT relating to motor vehicle safety equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of Section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(8) Flashing lights are prohibited on all motor vehicles, except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles and wreckers; nor to public utility repair vehicles at the scene of an emergency repair job; nor to rural letter carriers while on duty.

Committee on Motor Transportation reported **HB 19** with the expression of opinion that the same should pass by way of committee substitute. **HB 19** read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 19,** AN ACT relating to hydraulic brake fluid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "hydraulic brake fluid" as used in this Act shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

Section 2. Every hydraulic brake fluid that shall be sold, offered for sale, or used for service in any vehicle shall conform to the standards and specifications of the Society of Automotive Engineers applicable to such fluid.

Section 3. The Department of Public Safety shall adopt and enforce regulations and standards which shall be compatible with the standards and specifications of the Society of Automotive Engineers, so far as practicable.

Section 4. Every manufacturer of any hydraulic brake fluid sold, offered for sale, or used for service in any vehicle shall submit to the Department for approval a laboratory analysis report for each product produced, sold, or used in Kentucky. The analysis shall be conducted by an independent and qualified testing laboratory and shall verify that each product meets the minimum standards of heavy duty type hydraulic brake fluid specifications, designated as S. A. E. 70-R-1.

(a) Any alteration or adulteration made to any approved hydraulic brake fluid by the manufacturer, dealer, or seller shall be reported to the Department. An approval from the Department shall be obtained before any such product shall be sold, offered for sale, or used for service in this state.

(b) Every can, bottle, or other type of container used for the containing of hydraulic brake fluid shall be labeled to specify the composition of the contents. Such specifications shall denote conformity of the contents with the minimum standards of heavy duty type hydraulic brake fluid specifications, designated at S. A. E. 70-R-1.

Section 5. The Department shall approve the laboratory analysis report as to its conformity with the standards required by this Act, and no hydraulic brake fluid shall be sold in this state after September 1, 1960, unless such approval has been granted.

Section 6. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor more than five hundred dollars.

Committee on Public Health reported **HB 55** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 55, AN ACT relating to the operation of vehicles on highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person under the influence of intoxicating liquors, narcotic drugs, or barbiturate compounds shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors, narcotic drugs, or barbiturate compounds.

(3) No peace officer or State Police officer shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) and (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as determined at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was more than 0.05 percent, but less than 0.15 percent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating liquor, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was 0.15 percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating liquor.

(6) No person may be compelled to submit to any test specified in subsection (4) of this section, but his refusal to submit to such test

may be commented upon by the prosecution in the trial against any person charged with operating any vehicle while under the influence of alcohol.

HB 43, **HB 85** and **HB 117** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 97 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 87—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Garner, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 1—Kenneth Nolan. **HB 97** was passed, and the title agreed to.

HB 48 taken from Orders of the Day and ordered read at length for the third time. Representative Ray move that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 88—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 1—Young. **HB 48** was passed, and the title agreed to.

HB 36 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 86—Alexander, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 1—Fred Morgan. **HB 36** was passed and the title agreed to.

Representative Ray moved that the vote on **HB 97** be reconsidered. Agreed. Representative Ray moved to amend **HB 97** as follows: "Amend printed copy of **HB 97** on page 1, section 1, line 9, Delete the word "or" and insert the word "and". Agreed.

On the roll call, the vote was yeas 81—Alexander, Barton, Bates, Brizendine, Burress, C. C. Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Hardwick, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, L. F. Morgan, Murphy, Neel, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Caudill. **HB 97** was passed, and the title agreed to.

HB 174 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 79—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fitzpatrick, Ford, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Rayburn, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 174** was passed, and the title agreed to.

HB 173 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 89—Barton, Bates, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Paul Cornett, Crecelus, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 173** was passed and title agreed to.

HB 142 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 76—Barton, Bates, Baumgardner, Brizendine, Burress, Earl Carter, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Ford, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Qualls, Quinn, Rausch, Ray, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Peniston. **HB 142** was passed, and the title agreed to.

HB 17 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 58—Alexander, Barton, Bates, Brizendine, Caudill, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Lovins, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Neel, Nichols, Osborn, Ostertag, Parrish, Peniston, Roberts, A. C. Smith, Virgil Smith, Steiger, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 24—Baumgardner, Burress, Charles C. Carter, Castle, Cornett, Dobyns, Hall, Hardin, Hardwick, Hislope, Isler, Lankford, Lyon, Ben Martin, C. H. Martin, Miller, Murphy Nolan, Quinn, Rausch, Robinson, J. D. Smith, Spurrier and Treas. **HB 17** was passed and the title agreed to.

Representative Ray moved that **HB 56** pass and retain position in Orders of the Day. Agreed.

Representative Moorman Moved that **HB 152** pass and retain position in Orders of the Day. Agreed.

HB 166 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Moorman moved the Previous Question on **HB 166.**

On the roll call, the vote was yeas 54—Baumgardner, Brizendine, Earl Carter, Childress, Chumbler, Cole, Cowherd, Crecelius, Dean, Denham, Dexter, Dowell, Faulkner, Fern, Fields, Fitzpatrick, Ford, Haley, Hampton, Hardin, Hays, Hill, Hinkle, Hopkins, Isler, Lyon, Ben Martin, Miles, Miller, Moorman, L. F. Morgan, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Reynolds, Robinson, A. C. Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 17—Alexander, Bates, Burress, C. C. Carter, Clark, Edmunds, Ellis, Farmer, Garner, Hall, Houtchens, Irick, C. H. Martin, Murphy, Nolan, Osborn, Roberts. The Previous Question on **HB 166** was adopted.

On the roll call, the vote was yeas 75—Barton, Baumgardner, Earl Carter, Castle, Caudill, Childress, Chumbler, Cole, Colley, Cowherd, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Haley, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 8—Bates, Burress, C. C. Carter, Clark, Garner, Hall, Neel, Nichols. **HB166** was passed and title agreed to.

SB 12 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Castle, Caudill, Childress, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Reynolds, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 12** was passed and the title agreed to.

SB 41 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Quinn moved the Previous Question on **SB 41.**

On the roll call, the vote was yeas 40—Bates, Baumgardner, Earl Carter, Caudill, Childress, Cowherd, Crecelius, Dean, Dexter, Farmer, Fitzpatrick, Hampton, Hardin, Harris, Henry, Hill, Houtchens, Isler, Lankford, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Neel, Nolan, Ostertag, Osting, Qualls, Quinn, Rausch, Ray, Rayburn, Roberts, Robinson, Slusher, J. D. Smith, Stidham, Wathen, G. T. White. Nays 34—Brizendine, Burress, Charles C. Carter, Castle, Clark, Colley, Cornett, Davis, Denham, Edmunds, Ellis, Faulkner, Fern, Ford, Garner, Griffin, Haley, Hardwick, Hays, Hinkle, Irick, Murphy, Parrish, Peniston, Reynolds, Albert C. Smith, Virgil Smith, Spurrier, Summe, Tanner, Treas, J. E. White, Wood, Young. The Previous Question on **SB 41** was adopted.

Representative Brizendine, seconded by Representative Tanner, moved that **SB 41** be laid on Clerk's Desk. Agreed.

SB 52 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 85—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Earl Carter, Caudill, Childress, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 52** was passed and the title agreed to.

SB 53 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 84—Alexander, Barton, Bates, Baumgardner, Brizendine, Earl Carter, Caudill, Childress, Chumbler, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil

Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 2—James E. Murphy, Eugene A. Ostertag. **SB 53** was passed, and the title agreed to.

SB 54 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 67—Alexander, Bates, Baumgardner, Brizendine, Caudill, Childress, Clark, Cole, Paul Cornett, Cowherd, Crecelius, Davis, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Hahn, Haley, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Isler, Lankford, Lovins, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Quinn, Ray, Reynolds, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Young. Nays 11—Burress, Charles C. Carter, Colley, Dean, Denham, Ford, Garner, Griffin, Hill, Ben Martin, C. H. Martin. **SB 54** was passed and the title agreed to.

Reference of Bills

The Clerk reported the following bills had been referred:
Agriculture: **HB 207.**
Courts and Legal Procedure: **HB 209.**
Drainage and Water Districts: **SB 82.**
Elections: **SB 10** and **SB 81.**
Fish and Game: **HB 210.**
Insurance: **HB 208.**
Judiciary and Judicial Council: **HB 201** and **SB 76.**
Kentucky Statutes #3: **HB 202** and **SB 32.**
Legislative Affairs: **HB 206.**
Motor Transportation: **HB 204** and **HB 211.**
Municipalities #2: **HB 203.**
Ways and Means: **HB 205.**

Introduction of Bills and Resolutions

HB 212, by Representative Osting: AN ACT relating to Credit Union.

HB 213, by Representative Denham: AN ACT relating to judicial sales of real estate.

HB 214, by Representatives Lyon, Smith, Dexter, Nolan, Hardin, J. D. Smith and Colley: AN ACT relating to railroads.

HB 215, by Representative Ostertag: AN ACT relating to fire protection districts.

HB 216, by Representative Lyon: AN ACT relating to the merger or consolidation of cities.

HB 217, by Representative Ellis: AN ACT relating to election costs.

HB 218, by Representative Fitzpatrick: AN ACT relating to convalescent homes for the aged.

HB 219, by Representative Ellis: AN ACT relating to number of voters in precincts where voting machines are used.

HB 220, by Representative Ellis: AN ACT relating to county judges.

HB 221, by Representative Ellis: AN ACT relating to lunacy inquests.

HB 222, by Representative Ellis: AN ACT relating to misdemeanor cases before county judges and magistrates.

HB 223, by Representative Reyonlds: AN ACT relating to motor vehicles.

HB 224, by Representative Murphy: AN ACT relating to circuit courts.

HB 225, by Representative Murphy: AN ACT relating to divorce proceedings.

HB 226, by Representative Buckman: AN ACT relating to weights, measures and millers' tolls.

HB 227, by Representative Isler: AN ACT relating to the regulations of carpenters and carpentry.

HB 228, by Representative Dexter: AN ACT relating to the use of profits from public utility owned by a city.

HB 229, by Representative Dexter: AN ACT relating to instruction permits for motor vehicle operators.

HB 230, by Representatives Reynolds and Caudill: AN ACT relating to alcoholic beverages.

HB 231, by Representatives Dean and Dexter: AN ACT relating to auctioneers.

HB 232, by Representative Fred Morgan: AN ACT relating to the establishment of sanitation districts.

HB 233, by Representative Osborn: AN ACT relating to primary elections.

HB 234, by Representative Neel: AN ACT relating to financial responsibility of operators and owners of motor vehicles.

HR 53, by Representative Hislope, Hardwick and Caudill: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of establishing a training home for illegitimate children.

Representative Ray moved to adjourn until 10:00 A.M., February 10. Agreed.

THIRTIETH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 10, 1960

The House was called to order by the Speaker.

Invocation by Reverend Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Marlow Cook, Cottengim, Hall, Neel and Reynolds, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 9, dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions and Communications

Representative Ray moved that **HB 85** be taken from the Orders of the Day and placed upon its passage. Agreed.

Representative Ray moved to amend the committee substitute for **HB 85** as follows: "Amend printed copy of Committee Substitute for House Bill 85 on pages 8 and 9, section 5(c), line 26. On page 8 close parenthesis after the word "Act" and delete thereafter words "who meet residents re-" Delete all of line 27 on page 9. Agreed.

Representative Ray moved to amend the committee substitute for **HB 85** as follows: "Amend printed copy of HB 85 on page 3, section 3, line 39 Delete the word "and" and insert the word "or." Agreed.

Representative Ray moved to adopt the committee substitute to **HB 85.** Agreed.

Representative Ray moved the Previous Question on **HB 85.** Agreed.

Representatives Hislope and Haley appealed to the Chair from the Speaker's ruling that the Previous Question was in order.

The Speaker vacated the Chair, and Representative Moloney presided. The Speaker's ruling was sustained.

Senate Message

Announcing passage of **SB 60, SB 87, SB 109, SR 27, SR 28** and **HB 71** with Senate amendment.

Motions, Petitions and Communications

The Speaker resumed the Chair.

Representative Cornett moved to recess for thirty minutes for Republican Caucus. The motion was rejected.

The Speaker ordered a recess for twenty minutes.

At the appointed hour, the Speaker resumed the Chair and called the House to order. The Speaker ordered the Sergent-at-Arms to notify the Minority Party that the House would reconvene in fifteen minutes; that the Minority Party had already been allotted more time for a caucus than they had requested.

The appointed hour having arrived, the Speaker called the House to order. Representative Hill requested that a Roll Call be taken in order to determine whether a Quorum was present.

On the roll call, the vote was yeas 77—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Caudill, Childress, Chumbler, Cole, Colley, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Reynolds, Roberts, Robinson, Slusher, A .C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, Wood, Young. A quorum was present.

On the roll call, the vote was yeas 78—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Caudill, Childress, Chumbler, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, Wood, Young. Nays 0.

HB 85 passed, and the title agreed to.

Representative Hahn moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Report of Committees

Committee on Charitable, Penal and Reformatory Institutions reported that **SB 44**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 44, AN ACT relating to handicapped children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Commission" means the Commission for Handicapped Children; and

(2) "Handicapped Children" includes all crippled children under the age of twenty-one, who are amenable to medical treatment.

Section 2. (1) A Commission for Handicapped Children is established in the State government, composed of seven members appointed by the Governor for a term of four years or until their successors are appointed and qualified, except that the terms of members first appointed shall be: One member for one year, two for two years, two for three years, and two for four years. The respective terms of the first members appointed shall be designated by the Governor at the time of their appointment. Two members of the Commission shall be appointed from a list of six names submitted by the Kentucky Society for Crippled Children, one member from a list of three names submitted by the Kentucky State Medical Association, and the other four members shall be intelligent and discreet citizens appointed from the state at large who have evidenced an interest in the problems of handicapped children. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor is appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining original representations.

Section 3. (1) Members of the Commission shall be qualified voters of the Commonwealth, shall be at least thirty years of age and have been residents of the Commonwealth for at least two years immediately preceding appointment.

(2) Commissioners shall take the constitutional oath of office before entering upon the discharge of their duties, and a record of such taking shall be entered upon the executive journal.

(3) Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

Section 4. (1) The Commission shall be a corporation with the usual corporate powers, and may adopt rules and regulations necessary to carry out the provisions of this Act.

(2) The Commission shall elect a president, vice-president, secretary and treasurer. The office of secretary and treasurer may be held by the same person.

(3) The Commission shall employ a medical director and such professional and other personnel as may be required to administer the program of the Commission, in accordance with state and federal laws and regulations and under such administrative policies as are established by the Commission. The medical director and all other

employes of the Commission shall be subject to and governed by a merit system of rules and regulations adopted by the Commission, approved by the U. S. Secretary of Health, Education and Welfare. The Commission may elect coverage under the workmen's compensation laws for all employes of the Commission.

Section 5. The Commission may receive both real and personal property by gift, devise, bequest, conveyance or otherwise and may mortgage, pledge, sell or convey such properties unless specifically prohibited by the terms of the gift. Funds received from such gifts may be expended for the care and treatment of handicapped children referred to the Commission.

Section 6. The father, mother or guardian, or person in charge of a handicapped child, or any person interested in such child, may refer the child to the Commission.

Section 7. (1) The Commission shall provide through contractual agreement, or otherwise, such services as may be necessary to locate, diagnose, treat, habilitate or rehabilitate handicapped children, and may include any necessary auxiliary services, such as room and board and travel for patients and parents or parent substitutes.

(2) Children referred to the care of the Commission for treatment shall be placed under the care of such physicians or surgeons as the Commission deems qualified and may be placed in a hospital or home properly equipped to render the necessary treatment or services required by the child.

(3) The Commission is authorized to make such expenditures as may be necessary to carry out the provisions of this Act.

Section 8. (1) No child shall be accepted for care or treatment by the Commission if his parents or legal guardian are able to pay for such treatment except where the child resides in an area of the state where adequate care and treatment are not otherwise available, in which event referral must be made by the doctor caring for the child and the parents or guardian shall reimburse the Commission for all cost expended by the Commission for treatment.

(2) In the event the Commission determines that the parents or legal guardian of a handicapped child can pay only a portion of the cost of treatment through their own resources or through resources available to them, such parents or guardian shall pay such sums as they are able to pay and the funds thus received shall be turned over to the Commission and applied to the cost of treatment and care of the child.

Section 9. The Commission shall make a biennial report to the Governor showing the amount of money received and expended and a detailed statement of its activities for such period. A copy of such report shall be furnished each member of the General Assembly at its first session following the filing of such report with the Governor.

Section 10. All information as to medical data, personal facts, and circumstances obtained by the Commission staff shall constitute privileged communications, shall be held confidential and shall not be divulged without the consent of the father, mother, guardian, person who committed the child, or the patient involved, except as may be necessary to provide additional services to children through other medical, welfare or service agencies and institutions. Such information may be disclosed in summary, statistical or other form which does not identify particular individuals.

Section 11. The records, property and personnel heretofore employed in carrying out the functions of the Kentucky Crippled Children Commission are hereby transferred to the Commission for Handicapped Children. The appropriation and trust and agency fund balances provided for performances of the functions transferred by this chapter, are hereby transferred and made available to the Commission for Handicaped Children.

Section 12. Subsection (3) of Section 200.010, Section 200.250, 200.260, 200.270, 200.280 and 200.290 of the Kentucky Revised Statutes are repealed.

Section 13. This Act shall become effective on July 1, 1960.

Committee on Elections reported **HB 123**, with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 123, AN ACT relating to voter registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Except in counties containing cities of the 1st or 2nd classes the county clerk shall, during the period when the registration books are open and prior to each primary and each general election, cause the registration books to be taken to a suitable place in each magisterial district within the county for the purpose of receiving registrations, transfers, or changes of party affiliation. The registration books for each magisterial district shall remain in the district, under the supervision of the county clerk or a deputy county clerk, for one full day.

Section 2. The county clerk shall cause to be published in newspaper having the largest general circulation within the county a notice of the date and place the registration books will be open in each magisterial district.

Committee on Elections reported **SB 81**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 81, AN ACT relating to voting machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 125.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the mechanical model, in the use of the machine, if the voter so requests.

(2) No voter shall be permitted to receive any assistance in voting unless he makes and signs an oath that, by reason of inability to read English, or by reason of blindness or other physical disability he is unable to vote without assistance. Upon making and filing with the judges such oath, the voter shall retire to the voting machine, with the judges, and one of the judges shall then, in the presence of the other and the voter, operate the machine as the voter directs. In case the person applying to vote is blind, he may, if he prefers, be assisted by a person of his own choice. The clerk shall swear the person accompanying the blind voter to operate the voting machine in accordance with the directions of the blind voter, and the blind voter and the person sworn shall then enter the voting booth and the one so sworn shall operate the machine for the blind voter as he directs. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his oath the specific physical disability that requires him to receive assistance, and the judges of election shall enter in writing, on a record of assisted voters, the voter's name and the specific physical disability which required him to receive assistance.

(3) No voter shall be permitted to occupy the voting machine more than two minutes if other voters are waiting to use it.

(4) In primary elections, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons who are seeking nomination as candidates of the party with which the voter is affiliated.

(5) If the machine is so constructed as to require adjustment after one person has voted before another person may vote, the judges of election shall so adjust it after each person has voted.

(6) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.

Calendar

HB 19, HB 104, HB 197, HB 169, HB 175, and **HB 55** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Introduction of Bills and Resolutions

HB 235, by Representative Moloney: AN ACT relating to the Department of Mental Health.

HB 236, by Representative Moloney: AN ACT relating to the administration of estates.

HB 237, by Representative Moloney: AN ACT relating to custody, support and treatment of mentally ill and mentally defective persons.

HB 238, by Representative Moloney: AN ACT relating to proceedings concerning mentally ill or defective persons.

HB 239, by Representative Ellis: AN ACT relating to the promulgation of rules governing proceedings in courts.

HB 240, by Representative Ellis: AN ACT relating to the interest rate allowed to be charged by petty loan companies.

HB 241, by Representative Fitzpatrick: AN ACT to prevent unfair competition and unfair trade practices and provide for price maintenance in the sale of malt beverages; to provide remedies and impose a tax for the administration enforcement of this Act.

HB 242, by Representatives Fitzpatrick and Harris: AN ACT providing for a tax on Greyhound racing and providing how said tax shall be levied and collecting same and providing penalties for the violation thereof.

HB 243, by Representative Roberts: AN ACT relating to assessments on policy holders in cooperative insurance companies.

HB 244, by Representatives Quinn, Rausch, Childress, Miller, Crecelius, Farmer, Baumgardner, Steiger and Osting: AN ACT conferring upon counties having a population of 300,000 or more, the right and power to levy, assess and collect license taxes for county purposes; and the issuance and enforcement of licenses.

HB 245, by Representative Buckman: AN ACT relating to business authorized by Brewer and Distributor of Malt Beverages.

HR 54, by Representative Faulkner: A HOUSE RESOLUTION memoralizing the Department of Conservation on the advantages of southeastern Kentucky as a site for a tree nursery.

Representative Ray moved to adjourn until 9:00 A.M., February 11. Agreed.

THIRTY-FIRST LEGISLATIVE DAY

THURSDAY, FEBRUARY 11, 1960

The House was called to order by the Speaker.

Invocation by Reverend Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Chumbler, Cornett, Cottengim, Davis, Farmer, Hall, Miles, Fred Morgan, Murphy, Nolan, Parrish, Rausch, Reynolds, A. C. Smith, who were granted leave of absence on motion of Representative Isler.

Reading of Journal for February 10, dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions and Communications

Representative Carter asked that The Journal show that he intended to vote Nay on **HB 122.**

Introduction of Resolution

HR 55, by Representatives Cook, Quinn, Childress, Steiger, Caudill, Osborn, Ellis, Robinson, Edmunds, Reynolds, Brizendine, Haley and Hislope:

HR 55, A RESOLUTION providing for an inquiry into the administration and management of the State Department of Education.

WHEREAS, a considerable portion of state general fund revenues are administered by the State Department of Education, and

WHEREAS, it appears probable that increased appropriations will be made to this department at this session of the General Assembly, and

WHEREAS, the House of Representatives desires to assure, and to inform, itself of the proper administration of these public monies;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Committee on Committees of the House of Representatives shall upon the passage of this resolution appoint a House committee to investigate the organization and administration of the State Department of Education. The committee appointed hereunder shall be composed of as many members of the House of Representatives as the Committee on Committees deems proper. The committee appointed hereunder shall constitute a special committee of the House of Representatives and shall possess all powers provided for House Committees by the Rules of this House. The Committee on Committees shall designate the chairman and vice-chairman of this special committee.

Section 2. The special committee appointed pursuant to this resolution shall conduct a complete investigation of the organization of the Department of Education, the administration of the expenditures of funds appropriated to the Department, the administration of laws relating to education by both the Department and the State Board of Education, the salary and job classification plan employed in the Department. The committee also shall have the power to investigate all other aspects of the administration of the Department of Education as the committee shall deem proper.

Section 3. The Director of the Legislative Research Commission, insofar as practicable, shall provide this special committee with personnel and assistance as contemplated in Rule 33 of this House of Representatives.

Section 4. The special committee appointed pursuant to this resolution shall make a written report of its findings and recommendations on or before March 15. This report shall be made to the House of Representatives in a manner conforming to the rules of this House.

Representative Cook moved the adoption of **HR 55.** Agreed.

Senate Message

Requesting the return of **HB 71.**

Representative Wathen moved to concur in Senate Amendment to **HB 71.** Refused. Representative Young moved to table **HB 71.**

On the roll call, the vote was yeas 17—Brizendine, Castle, Clark, Colley, Denham, Edmunds, Griffin, Hampton, Hardin, Hardwick, Hays, Hislope, Lovins, Slusher, Spurrier, Tucker, Young. Nays 50—Jas. T. Alexander, Ralph Bates, C. E. Baumgardner, Earl Carter, Harry M. Caudill, Childress, Cook, Crecelius, Dean, Dexter, Ellis, Fern, Fitzpatrick, Ford, Hahn, Haley, Henry, Hill, Hinkle, Hopkins, Houtchens, Isler, Ben Martin, C. H. Martin, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Osborn, Ostertag, Osting, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Steiger, Stidham, Stacey, Summe, Tanner, Treas, Wathen, J. E. White. The motion to table **HB 71** was rejected.

Representative Wathen moved to return **HB 71** to Senate. Agreed.

Representative Hislope requested that when the House adjourn today, that it do so in honor of Abraham Lincoln.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 33** had been examined and found correctly enrolled. **SB 33** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Governor.

Representative Fitzpatrick moved to recess for thirty minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair.

Introduction of Bills and Resolutions

HR 57, by Representative Caudill:

HR 57, A JOINT RESOLUTION directing the Department of Conservation to establish Rocky Creek State Park.

WHEREAS, the Rocky Creek Dam impounds the beautiful one-thousand-acre Lake Malone, which lies in a wooded area whose steep pine-covered bluffs and hills and valleys make it an ideal site for recreation; and

WHEREAS, the site is in the area of the $100,000,000 TVA plant at Paradise, in Muhlenberg County, and the establishment of a recreational site would attract even more industry, and promote the development of the Green River area; and

WHEREAS, approximately one hundred acres of the necessary land have already been donated by W. C. Malone of Muhlenberg County to the Division of Parks for the purpose of establishing a state park;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That for the purpose of establishing Rocky Creek State Park, the sum of one hundred thousand dollars is appropriated to the Division of Parks in the Department of Conservation, which agency is directed to proceed to establish the park.

Representative Caudill moved to adopt **HR 57**. Agreed.

Representative Cook moved to hold Public Hearing on **HB 244** on Wednesday, February 17 at 10:00 A.M.

On the roll call, the vote was yeas 34—Alexander, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Chumbler, Clark, Colley, Cook, Paul Cornett, Edmunds, Faulkner, Fern, Ford, Garner, Griffin, Haley, Hardin, Hardwick, Hays, Hinkle, Hislope, Houtchens, Lyon, C .H. Martin, Qualls, Rayburn, Render, Roberts, A. C. Smith, Summe, G. T. White, J. E. White. Nays 31 – Baumgardner, Childress, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Ellis, Fitzpatrick, Henry, Hill, Irick, Ben Martin, Miller, Moloney, Murphy, Osting, Peniston, Quinn, Ray, Reynolds, Robinson, Virgil Smith, Spurrier, Steiger, Stidham, Stacy, Tucker, Wood.

The motion was adopted.

Representative Hardin moved that **HB 43** be recommitted. Agreed.

Representative Irick moved that **HB 123** be recommitted. Agreed.

Representative Faulkner moved the adoption of **HR 54**. Agreed.

Report of Committees

Committee on Ways and Means reported **HB 181, HB 156** and **HB 180,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 181, AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the lapsing or insufficiency of former appropriations against which said claims were chargeable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of lapsing of former appropriations against which said claims were chargeable, the sum hereinafter specified:

1.	Smith & Lindsey, Inc. McClure Building Frankfort, Kentucky	$194.17
2.	Ashland Oil & Refining Co. Ashland, Kentucky	$147.95
3.	Andrew M. Moore, M.D. 108 East Maxwell Street Lexington, Kentucky	$150.00
4.	Porter Mayo, M.D. 203 West Second Street Lexington, Kentucky	$ 85.00
5.	J. O. Van Meter, Jr., M.D. 288 South Limestone Lexington, Kentucky	$ 17.50
6.	Good Samaritan Hospital Lexington, Kentucky	$920.15
7.	Raymond M. Slaubaugh, Jr., M.D. 115 East Maxwell Street Lexington, Kentucky	$ 95.00
8.	E. H. Strauss Company Delaware Avenue Lexington, Kentucky	$219.00
9.	Master Mechanics Company 2454 Glenmary Avenue Louisville 4, Kentucky	$368.80
10.	J. B. Blanton Company, Inc. Frankfort, Kentucky	$642.07
11.	Westinghouse Electric Supply Co. 1251 Diamond Avenue Evansville, Indiana	$192.50

12. Minnesota Mining & Mfg. Co. 900 Bush Avenue St. Paul 6, Minnesota	$2,208.24

Section 2. The persons and companies named above having in good faith furnished the services, supplies, and materials enumerated in Section 1 and the Commonwealth having received the benefits of same an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HB 156, AN ACT relating to inspection of airplane baggage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall take aboard any commercial passenger plane any explosives, chemicals or other things capable of being detonated or exploded.

Section 2. Every person who takes baggage abroad a commercial passenger plane, or who checks any baggage, express or freight for transportation on any commercial passenger plane, shall have such baggage, express or freight examined by an official before being placed upon such plane, and shall have a tag placed thereon indicating that it was so examined.

Section 3. The examination provided for in Section 1 shall be made by a member of the State Police or by a designated member of the sheriff's office or police force. After making the examination the officer shall place upon the baggage, express or freight a tag showing the time and place of the examination, and shall sign same. No property shall be carried aboard any commercial passenger plane without having thereon such tag.

Section 4. Any person violating any of the provisions of this Act shall be imprisoned not less than five years nor more than twenty years in the state penitentiary.

HB 180, AN ACT relating to additional appropriations for various agencies of State Government for the fiscal year 1959-60.

WHEREAS, as the result of overspending in some departments and agencies prior to December 8, 1959, increased needs of other departments and agencies for which funds are not available in regular budget appropriations, and the almost total depletion of the Governor's Emergency Fund, it is necessary to provide additional funds for the following departments and agencies.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund for the remainder of the 1959-60 fiscal year, except as otherwise specified herein, the following sums for the following departments or agencies of the State Government.

1. EXECUTIVE DEPARTMENT

A.	General Emergency Fund	$500,000

Any unexpended balance at the end of the 1959-60 fiscal year shall be carried forward into the next.

2. DEPARTMENT OF THE TREASURY

A.	State Treasurer	$ 10,300

3. DEPARTMENT OF PERSONNEL

A.	Department of Personnel	$ 22,600

4. DEPARTMENT OF REVENUE

A.	General Operations	$225,000

5. DEPARTMENT OF MILITARY AFFAIRS

A.	Adjutant General	$ 73,825

6. DEPARTMENT OF PUBLIC SAFETY

A.	Division of Fire Prevention	$ 10,000

7. DEPARTMENT OF ECONOMIC DEVELOPMENT

A.	General Operations	$ 82,000

8. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A.	Retirement for Master Commissioners	$ 1,200

9. DEPARTMENT OF PUBLIC RELATIONS

A.	Department of Public Relations	$228,500

10. DEPARTMENT OF WELFARE

A.	Penal Institutions	$ 25,000

11. DEPARTMENT OF ECONOMIC SECURITY

A.	Public Assistance Administration	$ 23,000

12. DEPARTMENT OF HEALTH

A.	Water Pollution Control Commission	$ 9,000

13. STATE TUBERCULOSIS HOSPITAL COMMISSION

A.	State Tuberculosis Hospital Commission	$ 37,500

14. DEPARTMENT OF AGRICULTURE

A.	General Operations	$ 15,500

15. STATE FAIR BOARD

A.	State Fair Board	$470,000

16. DEPARTMENT OF CONSERVATION

A.	Division of Forestry	$110,000
B.	Division of Parks	$ 30,000
C.	Division of Parks—Deferred Maintenance	$250,000

17. STATE MERIT SYSTEM

A.	State Merit System—General Operations	$ 30,000

Section 2. TRUST AND AGENCY FUNDS

1. KENTUCKY BOARD OF EXAMINERS IN WATCHMAKING

A.	Kentucky Board of Examiners in Watchmaking	$ 6,000

Section 3. Whereas it is necessary, because of overspending in some departments and agencies prior to December 8, 1959, increased

needs of other departments and agencies for which funds are not available in regular budget appropriations, and the almost total depletion of the Governor's Emergency Fund, that funds be provided at the earliest possible date, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Committee on Constitutional Amendments reported **HB 106**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 106, AN ACT relating to state employment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person related to any member of the General Assembly of the Commonwealth of Kentucky by affinity or consanguinity within the second degree shall hereafter be eligible during the term of such member for any appointment or employment with the government of the Commonwealth or any of its agencies when compensation therefor is payable out of public funds or fees of the office.

Section 2. No person related to a member of any state board, commission or agency or to the head of any state office, department or institution by affinity or consanguinity within the second degree shall be eligible for any appointment or employment on any such board, commission or agency or in any such department or institution during the period in which such relative serves as a member of the board, commission or agency or as head of an office, department or institution.

Section 3. The provisions of this Act shall not apply to persons in positions of appointment or employment with the state government, before the term of office of the legislator or official concerned begins, or to persons employed as teachers; nor to appointments for which actual expenses only are expressly allowed, or to employment or appointments which result from successful passage of competitive examinations administered under a state merit system.

Section 4. No person ineligible for appointment or employment with the state government under this Act shall be paid or receive any compensation or other emoluments other than actual expenses provided by law from public moneys and such employment or appointment shall be null and void. Any person who accepts compensation for which he is ineligible shall be liable for all moneys so received.

Section 5. The disqualification provided by this Act can be removed by voluntary submission of the person disqualified to a merit system examination as to qualifications for the position to be filled or, in the case of exceptional qualifications in a highly technical field, by unanimous approval of the members of the governing body of a State Merit System, under such terms and conditions as that body may impose.

Committee on Judiciary and Judicial Council reported **HB 108**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 108, AN ACT relating to Chambers of Commerce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 102.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation shall be as follows: "We, the undersigned business and professional men resident, or conducting a business, or having a branch office, in the city of ________________, county of __________________, Kentucky, adopt the following articles of incorporation:

Article 1. The objects of this corporation shall be to advance and improve civic welfare, and to advertise and develop the industries and resources of ____________________, Kentucky.

Article II. The name of this corporation shall be ____________ ________________________________ Chamber of Commerce.

Article III. The affairs of this corporation shall be conducted by a board of not less than six directors, and such officers as may be established by the bylaws of the corporation.

Article IV. The annual dues of the members of this corporation shall be not less than twelve dollars, payable as provided in the bylaws of the corporation.

Article V. Any resident of the city or county, or any firm or individual operating a business or branch office therein, whose application meets with the approval of the board of directors, may become a member by paying the first dues, and thereafter complying with the articles of incorporation and bylaws.

Article VI. This corporation shall continue until terminated by operation of law.

Article VII. The board of directors shall adopt such bylaws as they deem necessary for the regulation of the affairs of this corporation.

(2) The articles of incorporation shall be recorded by the county clerk without fee."

Committee on Revenue and Taxation reported **HB 130,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 130, AN ACT relating to income taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The preamble and subsection 9 of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context requires otherwise:

(9) "Net income," in the case of taxpayers other than corporations, means "taxable income" as defined in Section 63 (a) of the Internal Revenue Code adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Constitution and statutory laws of the United States.

(b) Exclude dividend income received during the taxable year upon stock of banks and trust companies organized under the laws of this state.

(c) Deduct "Federal income tax."

(d) Exclude the "net operating loss deduction."

(e) Include interest income derived from obligations of sister states and political subdivisions thereof .

(f) Include refunds of Federal income tax .

(g) Exclude any deduction for state taxes measured by net income.

(h) Exclude the deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof.

(i) Allow an itemized deduction of not more than twenty-five dollars contributions of a taxpayer given during the taxable year to a political campaign committee.

Provided that partial exclusion of dividends received by individuals which is authorized by Section 116 of the Internal Revenue Code shall not be allowed.

If the taxpayer elects to deduct the standard deduction set forth in KRS 141.081, then "net income" means adjusted gross income less the standard deduction.

Committee on Insurance reported **HB 32**, with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 32, AN ACT relating to insurance which may be written by assessment or cooperative insurance companies other than life and amending KRS 299.010, KRS 299.310, and KRS 299.380.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 299.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of this chapter do not apply to secret or fraternal societies, lodges, or councils that are under the supervision of a grand or supreme body and secure members through the lodge system exclusively, and pay no commissions and employ no agents except in the organization and supervision of the work of local subordinate lodges or councils, nor do they apply to companies, societies or associations organized under the authority and patronage of any church or religious denomination for the exclusive purpose of insuring the property of churches or religious denominations and the personal property of the pastors and ministers thereof against loss or damage by fire, lightning or storm.

(2) As used in this chapter, unless the context requires otherwise:

(a) "Director" or "Commissioner" means the Commissioner of the Department of Insurance.

(b) "Policy" means any policy, certificate of membership or contract of insurance.

(3) "Company," as used in KRS 299.020 to 299.300, means any corporation, association or society transacting in this state a life or casualty insurance business, or both, upon the cooperative or assessment plan, as defined in KRS 299.020.

(4) "Company," as used in KRS 299.310 to 299.470, means any corporation organized under KRS 299.310 and 299.320 for the purpose of transacting, and any company heretofore organized under any similar law of this state or under the general corporation laws of this state that is transacting, the business of insurance against loss or damage to property by such hazard or hazards as it may provide in its policies, upon the cooperative or assessment plan.

Section 2. Section 299.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) Twenty-five or more persons residing in any one or more adjoining municipalities, or in any county, or in not more than ten adjoining counties, who collectively own property of the value of fifty thousand dollars or more, may organize a company for the purpose of cooperative or assessment insurance against loss or damage of property by such hazard or hazards as it may provide in its policies by making and acknowledging a certificate setting forth their intention to form such a company, the counties or municipalities in which it intends to do business, its corporate name, and the place where its principal office is to be located. Every person insured in such a company who signs an application for insurance as required by the certificate of incorporation or the bylaws of the company shall thereby become a member.

(2) No money shall be collected by any person on behalf of the company until two of the members or organizers have given joint bond to the director in the sum of ten thousand dollars, conditioned that all money so collected will be used as directed by law, and that the affairs of the company will be conducted according to law. The bond shall be held by the director for the benefit of the members of the company until the company has become legally incorporated and its affairs have been examined by an expert accountant, appointed by the director, and found to be in due and regular form, and immediately thereafter the bond shall be cancelled.

(3) No company shall be formed under KRS 299.310 to 299.470 for the purpose of transacting any business of insurance other than as prescribed in those sections, and no company shall insure against any loss other than the one permitted by those sections. Any company operating under the provisions of KRS 299.310 to KRS 299.470 as of June 1, 1960, shall be authorized to write all types of insurance allowed under subsection (1) hereof without amendment of its charter or articles of incorporation.

Section 3. Section 299.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The directors of every company shall cause to be issued policies of insurance signed by their president and secretary, agreeing in the name of the company to pay all losses or damages, not exceeding the amount insured, caused by the risk insured against, as provided by and during the time named in the policy. Every policy shall have attached thereto a printed copy of the bylaws.

(2) A company shall not insure any one risk for more than one thousand dollars for each fifty thousand dollars of reserve fund which the company has at the time the risk is insured plus:

(a) three thousand dollars, if the company has less than two million dollars insurance in force when the risk is insured; or

(b) five thousand dollars, if the company has as much as two million but less than five million dollars insurance in force when the risk is insured; or

(c) six thousand dollars, if the company has as much as five million dollars but less than twelve million dollars insurance in force when the risk is insured; or

(d) five cents for each one hundred dollars of insurance in force at the time the risk is insured, if the company has twelve million dollars or more insurance in force when the risk is insured,

Provided, however, that a company may insure for greater sums any one risk where the company is fully protected by reinsurance, as provided by law, in the amounts in excess of that set out above.

Committee on Criminal Law reported **HB 86**, with the expression of opinion that the same should not pass.

Committee on Municipalities #1 reported **HB 244**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 244, AN ACT conferring upon counties having a population of 300,000 or more, the right and power to levy, assess and collect license taxes for county purposes; the issuance and enforcement of licenses; and declaring an emergency to exist.

WHEREAS, in counties having a population of 300,000 or more the consideration of the densely developed suburban areas gives rise to a need and demand for services of the character usually provided by cities of the first class, and it is deemed essential to the general welfare of said counties and the people thereof that additional governmental facilities and services be provided by such counties; and

WHEREAS, such counties are in immediate need of additional revenue to provide the facilities and services required by the great number and the density of the population in such counties,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Fiscal Court of each county having a population of 300,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation, or profession for revenue purposes shall be imposed at a percentage rate or rates not to exceed 1¼% of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions, or occupations from activities conducted in the county. Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other cases where the county is prohibited by statute from imposing a license tax.

Section 2. The Fiscal Court of said counties may provide for the levy, the assessment and the collection of such license taxes, provide for the issuance and enforcement of licenses, and specify the county governmental purposes to which the revenue therefrom shall be applied.

Section 3. Any amount paid to any city of the first class within such county as a license fee for the same privilege for the same period shall be credited against the county license fee payable hereunder.

Section 4. Nothing in this Act shall be construed to repeal, amend, or affect in any way the provisions of KRS 243.060.

Section 5. This Act shall not in any wise repeal, amend, affect or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation, nor shall it be construed to authorize a county to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax.

Section 6. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to the levy of license taxes, but shall be held and construed as ancillary and supplemental thereto.

Section 7. If any section, paragraph, clause, or provision of this Act shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect the validity of any of the remaining provisions hereof.

Section 8. Whereas, such counties are in immediate need of the additional revenues authorized by this Act, an emergency is hereby declared to exist and this Act shall be effective immediately upon its passage and approval by the Governor.

Committee on Constitutional Amendments reported **HB 94**, with the expression of opinion that the same should pass with committee substitute. Read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 94**, AN ACT relating to voter's residence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 117.610 of the Kentucky Revised Statutes is amended to read as follows:

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

(1) A voter's residence shall be deemed to be at the place where his habitation is, and to which, when absent, he has the intention of returning;

(2) A voter shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his home;

(3) A voter shall lose his residence by removal to another state or county with intention to make his permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return to this state at some future period:

(4) The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his famly is permanently in one place, and he transacts his business in another, the former shall be his residence.

(5) For purposes of all elections, if a voter resides within the same county, but has moved from one precinct to another within the county after the date the registration books were last closed, he shall be deemed to be a resident at this former address for voting purposes. The voter shall present to the election officer a certficate from the county clerk showing the fact that he has moved from one precinct to another after the registration books were last closed before being permitted to vote.

Committee on Railroads reported **HB 16**, with the expression of opinion that the same should not pass.

Calendar

SB 44, SB 81 were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

Representative Ray moved that **HB 169** be passed and retain its position in Orders of the Day. Agreed.

Representative Ray moved that **HB 175** be passed and retain its position in Orders of the Day. Agreed.

Representative Ray moved that **HB 56** be passed and retain its position in Orders of the Day. Agreed.

HB 152 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 73—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miller, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Ostertag, Parrish, Peniston, Qualls, Quinn, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 1—Clete L. Garner. **HB 152** was passed and title agreed to.

HB 117 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miller, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Ostertag, Osting, Parrish, Peniston, Qualls, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 117** was passed and title agreed to.

Representative Fern moved that **HB 19** be recommitted. Agreed.

HB 104 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Fern moved to amend **HB 104** as follows: "Amend printed copy of **HB 104** on page 1, section 8, line 7 by deleting after the word "to" all words, and substituting "any vehicle operated by mail carriers while on duty." Agreed.

On the roll call, the vote was yeas 75—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Isler, Lovins, Lyon, Ben Martin, Miller, Moorman, Murphy, Nichols, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T.

White, J. E. White, Wood, Young. Nays 0. **HB 104** was passed and title agreed to.

HB 197 taken from Orders of the Day and ordered read at length length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 81—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hill Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miller, Moorman, L. F. Morgan, Murphy, Nichols, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 197** was passed and title agreed to.

HB 55 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 64—Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Caudill, Childress, Clark, Cook, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Henry, Hill, Hinkle, Houtchens, Hopkins, Isler, Lankford, Lovins, Lyon, Ben Martin, Miller, Moloney, Moorman, L. F. Morgan, Nichols, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Render, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Stacv, Steiger, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 3—C. C. Carter, Ellis, Irick. **HB 55** was passed and title agreed to.

Reference of Bills and Resolutions

The clerk reported the following bills and resolutions had been referred:

Appropriations: **HB 217** and **HB 218.**

Banks and Banking: **HB 212**

Charitable, Penal and Reformatory Institutions: **HR 53**

County Government: **HB 215**

Courts and Legal Procedure: **HB 222, HB 224,** and **HB 225**

Drainage and Water Districts: **HB 232**

Elections: **HB 233**

Higher Education: **SB 97**

Judiciary and Judicial Council: **HB 213** and **HB 220**

Kentucky Statutes #1: **HB 231**

Kentucky Statutes #3: **HB 216, HB 219, HB 221, HB 226,** and **HB 234**

Labor: **HB 214**

Motor Transportation: **HB 223**, and **HB 229**
Public Utilities: **HB 228**
Regulation for Intoxicating Liquors: **HB 230**
Ways and Means: **HB 227**
Conservation: **SR 28**
Higher Education: **SR 27**
Judiciary and Judicial Council: **HB 239**
Kentucky Statutes #3: **HB 235, HB 236, HB 237, HB 238, HB 240, HB 243, SB 60** and **SB 109**
Municipalities #1: **HB 244** and **SB 87**
Regulation of Intoxicating Liquors: **HB 241** and **HB 245**
Ways and Means: **HB 242**

Introduction of Bills and Resolutions

HB 246, by Representative Robinson: AN ACT relating to mining regulations.

HB 247, by Representatives Young and Hampton: AN ACT relating to stockyards.

HB 248, by Representative Isler: AN ACT relating to financial security for liability of owners and operators of motor vehicles.

HB 249, by Representatives Hislope, Hardwick, Burress, Griffin and Clark: AN ACT relating to gasoline not used on highways.

HB 250, by Representatives Brizendine and Ray: AN ACT relating to advertising devices along or adjacent to interstate highways and limited-access state highways.

HB 251, by Representative Cook: AN ACT relating to the issuance by insurance companies of contracts on a variable basis and the regulation thereof.

HB 252, by Representative Dexter: AN ACT relating to prisoners in third-class cities.

HB 253, by Representatives Irick, Cole and Ellis: AN ACT relating to teachers' salaries.

HB 254, by Representatives Clark, Hays, Osborn and Nichols: AN ACT relating to the bag limit and possession of game birds.

HB 255, by Representatives Clark, Hays, Osborn and Nichols: AN ACT relating to traps and other devices used for the purpose of taking wild animals.

HB 256, by Representative Cook: AN ACT relating to taxation by certain districts.

HB 257, by Representatives Harris, Harry W. Wood, Qualls, Hislope, Render and Barton: AN ACT imposing liability to injuries caused due to the sale of alcoholic beverages.

HB 258, by Representative Reynolds: AN ACT relating to beauty care.

HB 259, by Representative Ellis: AN ACT relating to the procreation of the human species, providing for sterilization of persons having severe mental or nervous diseases or deficiencies.

HB 260, by Representative Dowell: AN ACT relating to the acquisition of industrial buildings by cities.

HB 261, by Representatives Quinn, Osting, Steiger, Crecelius, Miller, Baumgardner and Childress: AN ACT relating to license and excise taxes and repealing KRS 247.165.

HB 262, by Quinn, Miller, Crecelius, Baumgardner, Osting and Steiger: AN ACT relating to the licensing of motor trucks, moto vehicles and motor carriers by cities and amending Section 281.830 Kentucky Revised Statutes.

HB 263, by Representatives Reynolds and Quinn: AN ACT relating to the awarding of damages in actions accruing for negligence.

HR 56, by Representative Osborn: A CONCURRENT RESOLUTION requesting the Governor of the Commonwealth of Kentucky to include an appropriation for the Kentucky Wing of the Civil Air Patrol in his biennial budget report.

Representative Ray moved to adjourn until Monday, February 15, 6:00 P.M. Agreed.

THIRTY-THIRD LEGISLATIVE DAY

MONDAY, FEBRUARY 15, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort, Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Burress, Earl Carter, Caudill, Cornett, Dowell, Garner, Hinkle, Hislope, Nolan, Rayburn, Reynolds and Stidham, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 11 dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions and Communications

Representative Lyon moved that **HB 16** be read at length for the first time and placed upon the Calendar, the report of the committee not withstanding.

On the roll call, the vote was yeas 28—C. C. Carter, Cole, Colley, Cottengim, Davis, Dexter, Dobyns, Faulkner, Haley, Hardin, Hill, Houtchens, Lankford, Lyon, Ben Martin, C. H. Martin, Osborn, Osting, Qualls, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Summe. Nays 22—Bates, Buckman, Castle, Cowherd, Crecelius, Dean, Ellis, Farmer, Fitzpatrick, Ford, Griffin, Hardwick, Hislope, L. F. Morgan, Murphy, Neel, Ostertag, Parrish, Peniston, Tucker, Wathen, John E. White. The motion to read **HB 16** was rejected.

Representative Ray moved to suspend Rules to make motion.

On the roll call, the vote was yeas 54—Alexander, Barton, Bates, Baumgardner, Brizendine, Caudill, Childress, Clark, Colley, Cook, Crecelius, Dean, Denham, Dexter, Edmunds, Farmer, Fern, Fields, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hill, Houtchens, Hopkins, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Moloney, Neel, Nichols, Osborn, Ostertag, Parrish, Peniston, Quinn, Rausch, Ray, Render, Roberts, Robinson, A. C. Smith, J. D. Smith, Stacy, Steiger, Tanner, Treas, Tucker, Young. Nays 8—Castle, Ellis, Griffin, Hardwick, Hislope, Irick, Slusher, Spurrier. The motion to suspend the Rules was adopted.

Representative Ray moved that **HB 6** be recommitted. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 52, SB 53, SB 54,** and **SB 12** had been examined and found correctly enrolled. **SB 52, SB 53, SB 54** and **SB 12** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Governor.

Senate Message

Announcing passage of **SB 42, SB 71, SB 91, SB 92, SB 96, SB 106, HB 15** and **HB 35.**

Introduction of Bills and Resolutions

HR 58, by Representatives Cole and Osborn:

HR 58, A CONCURRENT RESOLUTION requesting and recommending that all citizens of the Commonwealth observe National 4-H Week.

WHEREAS, the 4-H program of the Cooperative Extension Service has as its objective, the overall development of Kentucky youth in education, skills, leadership, citizenship and democratic living; and

WHEREAS, there are seventy-six thousand, five hundred and eighty-nine Kentucky youth enrolled in 4-H club work in Kentucky; and

WHEREAS, eleven thousand, nine hundred voluntary local 4-H leaders give of their time, energy, and resources to help these youth develop into good, useful, and successful citizens; and

WHEREAS, March 5 through March 12, 1960, has been declared "National 4-H Week";

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That all citizens of the Commonwealth of Kentucky be requested and recommended to join with 4-H members and their leaders in the observance of National 4-H Week, March 5 through March 12, 1960.

Representative Cole moved the adoption of **HR 58.** Agreed.

HR 56, by Representatives Osborn, Hays and Clark:

HR 56, A CONCURRENT RESOLUTION requesting the Governor of the Commonwealth of Kentucky to include an appropriation for the Kentucky Wing of the Civil Air Patrol in his biennial budget report.

WHEREAS, the Kentucky Wing of the Civil Air Patrol is fulfilling a necessary function within the Commonwealth by conducting search and rescue missions following disasters, by interesting young people in careers in aviation and associated fields, and by combating juvenile delinquency through its cadet program; and

WHEREAS, in order to fulfill its objectives it is necessary that funds be provided to augment donations from private sources;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonmonwealth of Kentucky, the Senate concurring therein:

That the Governor of the Commonwealth of Kentucky be requested to include within his biennial budget report for the use of the Kentucky Wing of the Civil Air Patrol the sum of twelve thousand five hundred dollars for each of the fiscal years 1960-61 and 1961-62.

Representative Osborn moved the adoption of **HR 58.** Agreed.

Representative Smith moved to suspend Rules to move that **HB 16** be recommitted.

On the roll call, the vote was yeas 35—Alexander, Barton, Bates, Castle, Clark, Colley, Cook, Davis, Dexter, Faulkner, Fern, Hahn, Haley, Hall, Hardin, Hays, Hill, Houtchens, Lankford, Lovins, Lyon, C. H. Martin, Moloney, Osborn, Qualls, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Summe, Treas, G. T. White. Nays 22—Buckman, Cornett, Crecelius, Dean, Ellis, Fields, Fitzpatrick, Ford, Griffin, Hampton, Hislope, Irick, Moorman, Murphy, Neel, Ostertag, Peniston, Render, Tucker, Wathen, John E. White, Young. The motion to suspend the Rules was rejected.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 12, HB 15** and **HB 35** had been examined and found correctly enrolled. **HB 12, HB 15** and **HB 35** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 12, HB 15 and **HB 35** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Calendar

HB 181, HB 156, HB 180, HB 106, HB 108, HB 130, HB 244, HB 32 and **HB 94,** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 56 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas—75—Alexander, Barton, Bates, Baumgardner, Brizendine, Castle, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hall, Hardin, Hardwick, Harris, Hays, Hill, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Ostertag, Osting, Parrish, Qualls, Quinn, Rausch, Ray, Render, Roberts, Robinson, A. C. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 6—Hahn, Haley, C. H. Martin, Peniston, Slusher, Young. **HB 56** was passed and title agreed to.

HB 175 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Albert C. Smith moved to amend **HB 175** as follows: Amend printed copy of **HB 175** on page 3, section 4, line 6 by striking line 6 and inserting in lieu thereof the words "size and grade of eggs." Agreed.

On the roll call, the vote was yeas 60—Barton, Bates, Baumgardner, Brizendine, Buckman, Childress, Chumbler, Clark, Cole, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Dexter, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Hampton, Henry, Hill, Houtchens, Hopkins, Irick, Lankford, Lovins, Lyon, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Parrish, Peniston, Quinn, Rausch, Ray, Render, Roberts, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 21—Castle, Caudill, Colley, Cornett, Denham, Dobyns, Griffin, Haley, Hall, Hardwick, Harris, Hislope, Isler, C. H. Martin, Miller, Ostertag, Qualls, Robinson, J. D. Smith, Spurrier, Wathen. **HB 175** was passed.

Representative Brizendine moved that the title of **HB 175** be amended to read as follows: "This Act shall be known as the Albert C. Smith Egg Bill." Agreed.

Representative Ray moved that **HB 169** retain its place in Orders of the Day. Agreed.

Representative Ray moved that **SB 44** be recommitted. Agreed.

SB 81 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 89—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 81** was passed and title agreed to.

Representative Edmunds requested appointment of Richard Holt as Page for one week. Approved by the Speaker.

The Speaker appointed the following Committee to conduct an investigation of the organization and administration of the Department of Education pursuant to **HR 55**: Caudill, Cook, Moloney, Hislope, Bates, Neel and Brizendine.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Agriculture: **HB 247**
Fish and Game: **HB 254** and **HB 255**
Kentucky Statutes #3: **HB 248, HB 251, HB 259** and **HB 263**
Legislative Affairs: **HB 262**
Mines and Minerals: **HB 246**
Municipalities #2: **HB 252**
Public Health: **HB 258**
Regulation of Intoxicating Liquors: **HB 257**
Revenue and Taxation: **HB 260**
Roads and Highways: **HB 249**
State Fair: **HB 261**
Ways and Means: **HB 250, HB 253** and **HB 256**

Introduction of Bills

HB 264, by Representatives J. D. Smith, Tanner, Lowman, Colley, Slusher, Virgil Smith, Ellis, Bates, Ben Martin, Reynolds and Stidham: AN ACT relating to coal and other natural resources, to be known as the J. D. Smith Coal Research Act.

HB 265, by Representative Ellis: AN ACT relating to the duration of suspension under the Financial Responsibility Law.

HB 266, by Representative Osborn: AN ACT relating to planning and zoning.

HB 267, by Representative Buckman: AN ACT relating to beauty culture and the grooming of the upper extremities of the human body.

HB 268, by Representative Quinn: AN ACT relating to the limitation of retail liquor licenses.

HB 269, by Representative Young: AN ACT relating to motor vehicle registration fees.

HB 270, by Representatives Ray and Tucker: AN ACT relating to the assessment of public utilities by the Public Service Commission.

HB 271, by Representatives Farmer, Steiger, Buckman, Childress, Rausch, and Quinn: AN ACT relating to the filing of minimum resale prices of alcoholic beverages.

HB 272, by Representatives Morgan, Albert C. Smith, Render, Roberts, and Irick: AN ACT relating to compensation of county clerks.

HB 273, by Representatives Hopkins and Ray: AN ACT creating the Kentucky Public School Authority; constituting the same an independent corporate agency and instrumentality of the Commonwealth for the purpose of assisting boards of education of county and independent school districts in the financing of school projects upon request of such boards.

HB 274, by Representative Ray: AN ACT relating to voting machines.

HB 275, by Representative Ray: AN ACT relating to elections.

HB 276, by Representative Ray: AN ACT relating to agreements with agencies of other states.

HB 277, by Representatives Ray, Osborn, Clark and Hays: AN ACT authorizing the University of Kentucky, Eastern Kentucky State College, Kentucky State College, Morehead State College, Murray State College and Western Kentucky State College to accept federal aid whenever the Federal Government or any agency thereof shall offer such aid.

HB 278, by Representative Robinson: AN ACT relating to first class city ordinances.

HB 279, by Representative Wathen: AN ACT relating to judicial proceedings.

HB 280, by Representative Lyon: AN ACT relating to circuit courts.

Representative Ray moved to adjourn until 12:00 Noon, February 16. Agreed.

THIRTY-FOURTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 16, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Earl Carter, Garner, Hill, Nolan and Reynolds, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 15 dispensed with and the same approved on motion of Representative Isler.

Representative Ray moved to recess to visit Senate. Agreed.

At the appointed hour, the Speaker resumed the Chair.

Report of Committees

Committee on Kentucky Statutes #3 reported **SB 32, HB 235, HB 236, HB 237, HB 238, HB 216, HB 196, HB 219, HB 140, SB 15** and **SB 60** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 32, AN ACT relating to the Board of Claims, and declaring an emergency.

WHEREAS, the present statutes requiring the appointment of separate and independent officers and employes of the Board of Claims have created a situation which is wasteful and burdensome to the Commonwealth; and

WHEREAS, the same functions can be performed by the members, secretaries, and employes of the Workmen's Compensation Board, which is established to handle cases procedurally similar ot those processed by the Board of Claims,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 44.070 of the Kentucky Revised Statutes is repealed and re-enacted as follows:

(1) A Board of Claims, composed of the members of the Workmen's Compensation Board as hereinafter provided, is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its departments or agencies, or any of its officers, agents or employes while acting within the scope of their employment by the Commonwealth or any of its departments or agencies; provided, however, regardless of any provision of law to the contrary, the Commonwealth, its departments and agencies, and its officers, agents and employes, while acting within the scope of their employment by the Commonwealth or any of its departments or agencies, shall not be liable for pain or suffering, and compensation shall not be allowed, awarded or paid for pain or suffering. Except as hereinafter provided the board shall be independent of all agencies and departments of the Commonwealth except as provided in this Act.

(2) The board shall be composed of five attorneys who are members of the Workmen's Compensation Board and who have been appointed and hold office under the provisions of KRS 342.215 and 342.220. The members shall not be entitled to additional compensation for their services on the Board of Claims.

(3) The Governor shall designate a member of the board to serve as chairman for a term of four years. Any vacancy in the chairmanship shall be filled by the Governor. No member shall, at the same time, serve as chairman of the Workmen's Compensation Board and as chairman of the Board of Claims.

(4) The executive secretary, referees and employes of the Workmen's Compensation Board, without additional compensation, shall be ex-officio the executive secretary, referees and employes respectively of the Board of Claims.

(5) Regardless of any provision of law to the contrary, the jurisdiction of the board is exclusive, and a single claim for the recovery of money or a single award of money shall not exceed ten thousand dollars, exclusive of interest and costs.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Hearings shall be conducted in the county wherein the claim accrues, provided, however, that the parties may, with the approval of the board, agree upon a place not within such county for the conduct of hearings.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Board of Claims, or any of its members, or any of its referees, shall hear the parties at issue and their representatives and witnesses and shall determine the dispute. The award or order shall be made within thirty days after final submission, except in cases involving large or complicated records or unusual questions of law, and shall be made within ninety days after final submission in any event. The order or award, together with a statement of the findings of fact, rulings of law and other matters pertinent to the question at issue shall be filed with the record of proceedings and a copy of the order or award shall immediately be sent to the parties in dispute.

(2) If an application for review is made to the board within fourteen days from the date of the order or award, the full board, if the first hearing was not held before the full board, shall, as soon as practicable, review the evidence, or, if deemed advisable, hear the parties at issue, their representatives and witnesses, and shall make an order or award and file it as specified in subsection (1) above.

Section 4. No part of the maintenance fund of the Workmen's Compensation Board shall be diverted or used to accomplish the purpose of this Act. Any additional expenses which this Act may impose on the Workmen's Compensation Board shall be paid out of the appropriations from the General Fund.

Section 5. Section 44.100 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) The Assistant Attorneys General assigned to defend claims filed with the board shall receive no additional compensation for the performance of their duties before the board; provided, however, members of the board, Assistant Attorneys General and all employes acting for the board shall be recompensed for all necessary and actual expenses they may incur incident to their duties for or before the board. All awards made by the board against the Department of Highways, the Department of Motor Transportation, and the Division of State Police of the Department of Public Safety, shall be paid out of the State Road Fund, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All awards made by the board against other departments or agencies of the state, which are not maintained by appropriations out of the General Fund, shall be paid out of the funds created or collected for the maintenance and operation of such departments or agencies respectively, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All amounts necessary to pay awards made by the board against all other departments or agencies of the Commonwealth shall be paid out of the General Fund of the Commonwealth, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All costs incident to the operation of said board shall be paid out of the State Road Fund, upon warrants drawn by the Commissioner of

Finance upon the State Treasurer; provided, however, in all cases wherein claims are filed against the Commonwealth or any of its departments or agencies other than the Department of Highways, the Department of Motor Transportation, and the Division of State Police of the Department of Public Safety, the clerk of the board shall tax as costs of the action the same fees allowed for corresponding services in actions instituted in the circuit court, and such costs, when collected, shall be covered into the State Treasury to the credit of the State Road Fund. The board of claims shall have the power and authority to determine the right of any party to an action before it to recover of the opposing party the costs incurred by him or it in such action; and such decision shall not be subject to appeal.

Section 6. KRS 44.120 is amended to read as follows:

An award shall be made only after consideration of the facts surrounding the matter in controversy, and no award shall be made unless the board is of the opinion that the damage claimed was caused by such negligence on the part of the Commonwealth or its agents as would entitle claimant to a judgment in an action at law if the state were amenable to such action.

Section 7. Section 44.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Appeals may be taken to the circuit court of the county wherein the hearing was conducted from all awards of the board where the amount in controversy, exclusive of interest and costs, is over one hundred dollars. Appeals shall be taken within thirty days from the rendition of the award, and the method of appeals shall follow as nearly as may be the Rules of Civil Procedure, except the Commonwealth shall not be required to execute bond.

(2) On appeal no new evidence may be introduced, except as to fraud or misconduct of some person engaged in the hearing before the board. The court sitting without a jury shall hear the cause upon the record before it, and dispose of the appeal in a summary manner, being limited to determining: Whether or not the board acted without or in excess of its powers; the award was procured by fraud; the award is not in conformity to the provisions of KRS 44.070 to 44.160; and whether the findings of fact support the award. The court shall enter its findings on the order book as a judgment of the court, and such judgment shall have the same effect and be enforceable as any other judgment of the court in civil causes.

Section 8. All cases pending on the effective date of this Act, on the docket of the Board of Claims in existence prior to such date, shall, on the effective date of this Act or immediately thereafter, be transferred to the Board of Claims created by this Act. All records and other physical properties shall be transferred at the same time.

Section 9. WHEREAS, the Board of Claims as presently constituted is an expensive burden upon the general fund, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 235, AN ACT relating to the Department of Mental Health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 210.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Mental Health shall be a qualified physician with approved training in psychiatry and with a minimum of five years' successful experience in clinical psychiatry and administrative psychiatry. The assistant commissioner shall have the same qualifications, except that the minimum experience shall be three years. Professional personnel of the department shall possess such qualiifications as are prescribed by the commissioner.

(2) The compensation of the commissioner shall be fixed by the Governor, without regard to any limitation imposed by KRS 64.640. The compensation of other personnel of the department shall be fixed by the commissioner in accordance with KRS 64.640 and 64.650.

Section 2. Section 210.040 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Mental Health shall:

(1) Exercise all functions of the state in relation to the administration and operation of the state institutions for the care and treatment of the mentally ill;

(2) Establish or acquire, in accordance with the provisions of KRS 56.440 to 56.550, other or additional facilities for psychiatric care and treatment of persons who are or may become state charges;

(3) Cooperate with the Department of Health and with other state agencies for the development of a state-wide mental health program looking toward the prevention of mental disease and the post-institutional care of persons released from public or private mental hospitals;

(4) Provide for the custody, maintenance, care and medical and psychiatric treatment of the patients of the institutions operated by the department;

(5) Provide psychiatric consultation for the state penal and correctional institutions, and for the state institutions operated for children or for the mentally defective;

(6) Administer and supervise programs for the non-institutional care of mentally ill persons;

(7) Supervise private mental hospitals receiving patients committed by order of a court.

Section 3. Section 210.080 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Mental Health may transfer any employe between the institutions operated by the department, or to the headquarters of the department. Necessary moving expenses involved in such transfers shall be paid by the department.

Section 4. Section 210.090 of the Kentucky Revised Statutes is amended to read as follows:

Neither the commissioner nor the assistant commissioner of the Department of Mental Health shall be permitted to engage in any political activity.

Section 5. Section 210.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Pursuant to agreement entered into by the heads of the departments concerned, a patient or inmate of a state institution operated by one state department my be transferred to a state institution operated by another state department, except that:

(a) An inmate may be transferred from a penal or correctional institution only as provided in KRS 202.380 and 431.240;

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court;

(c) No patient or inmate may be transferred to an institution for the mentally ill or mentally defective, except for a period of observation not to exceed thirty-five days, unless he has been committed to a state institution for the mentally ill or mentally defective. However, this shall not apply to transfers under KRS 202.380 or 431.240.

(2) When a patient or inmate committed by court order to one institution is transferred to another institution pursuant to this section, the order of commitment shall be deemed to apply to the institution to which transferred.

Section 6. Section 210.180 of the Kentucky Revised Statutes is amended to read as follows:

There shall be established and maintained, at each of the institutions operated by the Department of Mental Health, a canteen which shall be incorporated and self-supporting. The directors of each canteen shall be the Commissioner of Mental Health, the assistant commissioner, and two staff members of the institution. All profits from each canteen shall be used exclusively for the benefit of the patients of the institution.

Section 7. Section 210.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Mental Health is authorized to designate such private homes and private nursing homes as he shall deem, after a thorough investigation of the personal and financial qualifications of the owners and tenants, the facilities and management, and the desirability of the location of such homes, to be suitable for the placement of patients outside of the state mental hospitals. The Commissioner of Mental Health is authorized to prescribe, from time to time by regulation, standards for the selection and operation of private homes and private nursing homes designated for the placement of patients. No home of an officer or employe of the Department of Mental Health or of a member of his immediate family shall be designated for the placements of patients.

(2) Whenever the staff of a state mental hospital has determined that a patient who is not being held on an order rising out of a criminal offense has sufficiently improved and is not dangerous to himself or other persons, and that it would be in the patient's best interest to be placed outside of the hospital in a private home or private nursing home, the hospital shall so certify to the Commissioner of Mental Health, who may then authorize the patient to be transferred to a designated private home or private nursing home for care and custody for such length of time as the commissioner deems advisable.

(3) The provisions of KRS 203.070, KRS 203.080, KRS 203.090, and KRS 203.100 shall apply to patients transferred to designated private homes and private nursing homes as though such patients were residing in a state mental hospital.

Section 8. Section 210.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person may be admitted to a state mental hospital upon the written application of a relative, spouse, friend or guardian, or by a staff physician of a hospital in which the person may be, and upon the certification of two examining physicians that they have examined the person and are of the opinion that he is mentally ill; that because of his illness he is in need of care and treatment in a mental hospital; and because of his illness lacks sufficient insight or capacity to make responsible application therefor. No person shall be admitted to a state mental hospital on the basis of such certification at any time after expiration of fifteen days from the date of the examination.

(2) If the certification of the examining physician states a belief that the person is likely to injure himself or others if allowed to remain at liberty and should immediately be restrained, and the certification is so endorsed by a health or police officer, a warrant may be issued for the arrest of such person and he may be taken into custody and transported to any municipal, county or state hospital as provided in KRS 203.030.

(3) Whenever a patient has been admitted to a hospital pursuant to the provisions of this section on the application of any person other than the patient's guardian, spouse, or relative the hospital shall immediately notify the patients guardian, spouse or relative, if known.

(4) Any patient hospitalized under the provisions of this section who requests to be released or whose release is requested in writing by his parent, spouse, relative or guardian shall be released within five days from the receipt of such request. The hospital shall provide reasonable means and arrangements for informing patients hospitalized under the provisions of this section of their right to release and for assisting them in making and presenting requests for release.

(5) If two staff physicians believe that the patient is dangerous to himself or other persons, or would be benefited by further care and treatment in a hospital, they may within five days after the receipt of the request for release file a certificate in proper court

stating that he is mentally ill and recommending his commitment. The court shall follow the procedure that it usually follows when two staff physicians so certify. After such certificate is filed, the hospital may continue to hold the patient even beyond the expiration of the five-day period referred to in this section until officially notified by the court that an inquest has been held and the person has been found to be mentally well. No fee shall be charged for the certificate of the staff physicians, it being considered a part of the regular state service.

(6) Subject to the rules and regulations of the hospital, every patient admitted under the provisions of this section shall be entitled to communicate with any person or governmental agency, receive visitors, and exercise all the civil rights to which he was entitled prior to his hospitalization.

(7) Any person who wilfully causes, or conspires with or assists another to cause the unwarranted hospitalization of any person under the provisions of this section shall be fined not less than one hundred dollars, or more than five hundred dollars, or imprisoned not less than three nor more than twelve months, or both.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Department of Mental Health may be appointed and act as executor, administrator, guardian, or committee, as provided in this section. In this capacity the department may transact business in the same manner as any individual and for this purpose may sue and be sued in any of the courts of the state. Bond shall not be required of the department.

(2) Whenever a person who has been adjudged incompetent and committed to the department for placement in a state mental hospital or institution for the mentally defective has no committee, the department, acting through its designated officer, may apply to the county court of the county in which the adjudication was made for its appointment as committee for such incompetent person.

(3) Upon the death of a person from whom the department has been appointed committee, or upon the death of a person who has been committed to the department leaving an estate and having no relatives at the time residing within the state, the department may apply for appointment as administrator and upon appointment shall close the administration of the estate.

(4) The department may invest funds held as fiduciary in bonds or other securities guaranteed by the United States, and may sell or exchange such securities in its discretion.

(5) The department shall receive such fees for its fiduciary services as provided by law. These fees shall be placed in a trust and agency account, from which may be drawn expenses for filing fees, court costs and other expenses incurred in the administration of estates. Claims of the department against the estates shall be considered in the same manner as any other claim.

(6) An officer designated by the commissioner may act as legal counsel for any patient in a state mental hospital or institution against whom a suit of any nature has been filed, without being appointed as committee.

Section 10. Sections 210.050 and 210.060 of the Kentucky Revised Statutes are repealed.

HB 236, AN ACT relating to the administration of estates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon the death of a patient, or of a person who has been a patient, in a hospital or school operated by the Department of Mental Health, or upon the death of a person who is obligated under KRS 203.080 for the support of such a patient when such person is possessed of an estate, the executor or administrator of the deceased's estate shall upon receipt of letters of appointment, ascertain from the Department whether the support as provided in KRS 203.070 and 203.090 has been fully paid.

HB 237, AN ACT relating to custody, support and treatment of mentally ill and mentally defective persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 203.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Mentally ill person," "mentally defective person," "patient," "physician," "hospital," and "state mental hospital" have the same meaning as defined in KRS 202.010;

(2) "Health Officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof;

(3) "Department" means the Department of Mental Health, and "Commissioner" means the Commissioner of Mental Health, except that where the terms are used with reference to a state institution for mental defectives, they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Section 2. Section 203.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The staff of a state mental hospital may admit for diagnosis, care and treatment any person who is mentally ill or has symptoms of mental illness, and who, being twenty-one years of age or over, applies therefore, and any person under twenty-one years of age who is mentally ill or has symptoms of mental illness, if his parent or guardian applies therefor in his behalf. The application shall be signed by the applicant in the presence of two witnesses.

(2) The staff of a state mental hospital may discharge any voluntary patient who has recovered or whose hospitalization they determine to be no longer advisable. They may also discharge any voluntary pa-

tient if to do so would, in their judgment contribute to the most effective use of the hospital in the care and treatment of the mentally ill.

(3) A voluntary patient who requests his release or whose release is requested, in writing, by his guardian, parent, spouse, or adult relative shall be released within five days from the receipt of such request, except as hereinafter provided in this section. If the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto. If the patient, by reason of his age, was admitted on application of his parent or guardian, his release, prior to attaining the age of twenty-one years, shall be conditioned upon the consent of such parent or guardian.

(4) If the hospital staff believes that the patient is dangerous to himself or to others or would be benefited by further care and treatment in a hospital, it may, within five days after the receipt of the request for release, file in the proper court a certificate signed by two staff physicians stating that the patient is mentally ill and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. After such certificate is filed, the hospital may continue to hold the patient beyond the expiration of the five-day period referred to in this section until notified by the court that the hearing has been held and the person has been found to be mentally well.

Section 3. Section 203.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The staff of a state mental hospital shall when requested in writing by a health officer receive and care for any person who needs immediate care and treatment because of mental illness. Such person shall be received for a period not exceeding fifteen days from the date of the request. The request for admission shall be based on a personal examination made within three days of the date of the request, and shall be filed with the hospital at the time of the patient's reception. If the request of the health officer alleges that the person to be admitted is likely, because of his illness, to injure himself or others if not immediately restrained, a warrant may be issued for his arrest and he may be taken into custody and immediately transported to any municipal, county or state hospital where he shall be confined until he can be removed to the state mental hospital designated in the health officer's request. In counties where hospital facilities are not available, said person may be confined in the county jail for a period not to exceed forty-eight hours.

(2) If the staff of the hospital finds that the patient admitted is not in need of hospital treatment, or would not be benefited thereby, the health officer shall upon the written request of the staff, remove the patient within the fifteen-day period prescribed by this section. Failure of the health officer to remove the patient within fifteen days shall render the health officer and the county from which the patient

was sent jointly liable for the patient's board for such time as he may be left in the hospital beyond the time limit prescribed in this section. The amount of such board shall be the same rate established by the department under KRS 203.090.

(3) If two staff physicians find that the patient is in need of hospital treatment and would be benefited thereby they shall file in the proper court a certificate stating that the patient is mentally ill and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. If such certificate is filed, the hospital may continue to hold the patient, beyond the expiration of the fifteen-day period, until notified by the court that a hearing has been held and the defendant has been found to be mentally well.

Section 4. Section 203.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Legal residents of the state who have become public charges in other states and have been returned to Kentucky because they have been adjudged mentally ill or mentally defective by the state returning them, may be immediately admitted to a state hospital at the request of any health officer. If no health officer is available for the purpose, the staff of the Kentucky hospital may receive such patient directly from the out-of-state official who has him in custody.

(2) Immediately upon admission the hospital shall notify the circuit court, or the county court if the circuit court is not in session, accompanying the notice with a certificate stating that the patient is mentally ill or mentally defective, and recommending his commitment, holding the patient in custody until the hearing is ordered by the court; however, if the admission be to a mental hospital, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and 202.110 may admit as evidence the affidavit of two staff physicians of the hospital in which the patient has been confined that the defendant is mentally ill or mentally defective.

Section 5. Section 203.045 of the Kentucky Revised Statutes is amended to read as follows:

In no case where the certificate or affidavit of staff physicians is admitted as evidence in a proceeding to determine whether a person should be committed to a hospital shall any fee be charged, it being considered a part of the regular state service.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

Any non-resident who has been committed to a mental institution in another state and who escapes therefrom and is found in this state may be apprehended upon notice from the other state and returned thereto by personnel of the department at the department's expense.

Section 7. Section 203.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The hospital, upon receiving a patient, shall immediately

furnish the department with the following information: Name, age, sex, color or race, former address, date of admission, county from which admitted, former admission if any, together with the name of his committee and parents, or if a married woman, the name of her husband.

(2) The hospital shall also furnish the following information immediately upon the happening of the fact concerning which information is required: Date of death or discharge with the reason therefor; escapes, returns, removals, and paroles of patients; changes in the person designated as committee for the patient.

Section 8. Section 203.160 of the Kentucky Revised Statutes is amended to read as follows:

If an order is issued by a judge committing to a state institution a person who has not acquired a legal residence in this state, the department shall return such person, either before or after his admission to the institution, to the county or state to which he belongs, and for such purpose may expend so much of the money appropriated to it as is necessary.

Section 9. Section 203.185 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receipt of a certificate of the United States Public Health Service or such other agency of the United States Government that facilities are available for the care or treatment of any person heretofore committed to any mental hospital or other institution in this state for the care of mentally ill or mentally defective persons and that such person is eligible for such care or treatment, the commissioner, upon recommendation by any such hospital or institution in this state, is hereby authorized to cause the transfer of any such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Upon effecting any such transfer, the committing court shall be notified thereof by the commissioner.

(2) Any person transferred as provided in this section shall be deemed to be committed to the United States Public Health Service or other agency of the United States Government pursuant to the original commitment the same as if he had been originally so committed.

Section 10. Section 203.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each state mental hospital shall keep the following records:

(a) A case history of each patient received by the hospital showing his name, age, residences, dates of admission, discharge or death, condition at time of admission, complete record of medical treatment and any other information prescribed by the commissioner;

(b) An accident record in which shall be recorded a statement of all accidents involving any patient, the causes thereof, and the names of any witnesses thereto;

(c) A restraint record in which shall be recorded the name of each patient restrained, the character of the restraint, when, how long, and by whose authority employed, and the reason therefor.

(2) The records prescribed by this section shall be kept on forms prescribed by the commissioner and shall be open to the inspection of the department at all times.

Section 11. Section 203.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a person who has been twice previously convicted of a felony, is indicted by a grand jury as an habitual criminal, the circuit clerk of the court in which he is indicted shall give notice of the indictment to the Commisisoner of Mental Health within seven days after the indictment is returned by the grand jury. The commissioner shall cause such person to be examined by a psychiatrist already in the employ of the department, to determine his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility. This examination shall be made without expense other than the amount to cover necessary travel, as provided by law for any other employe of the state traveling on official business.

(2) The psychiatrist making the examination shall submit a written report of his findings to the judge of the court having jurisdiction, who shall make the report available to the prosecuting attorney and the attorney for the defendant.

(3) The commissioner may decline to cause such examination to be made if the number of psychiatrists on duty in the department is insufficent to spare one from his regular official duties, in which event the commissioner shall notify the clerk of the circuit court to that effect within three days.

HB 238, AN ACT relating to proceedings concerning mentally ill or defective persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 202.005 of the Kentucky Revised Statutes is amended to read as follows:

Wherever used in this chapter, the terms "department" and "commissioner" means Department of Mental Health and Commissioner of Mental Health, except that when they are used with reference to a state institution for the mentally defective, they shall mean Department of Welfare and Commissioner of Welfare.

Section 2. Section 202.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Mentally ill person" means a person having a psychiatric or other disease which substantially impairs his mental health;

(2) "Mentally defective person" means a person with a defect in mental development at birth, or at an early age, and which is of such a degree that he is incapable of caring for himself or managing his affairs and requires supervision, care, training, control or custody

for his own welfare or for the welfare of others;

(3) "Defendant" means a person alleged in an inquest to be mentally ill or mentally defective;

(4) "Patient" means a person under observation, care or treatment in a hospital pursuant to the provisions of this chapter or KRS chapter 203;

(5) "Physician" means a person licensed under the laws of Kentucky to practice medicine, or a medical officer of the Government of the United States while in this state on the performance of his official duties;

(6) "Hospital" means a public or private hospital or institution, or part thereof, equipped to provide in-patient care and treatment for mentally ill or mentally defective persons;

(7) "State mental hospital" means a mental hospital or institution, or part thereof, which receives fifty percent or more of its support from state funds.

Section 3. Section 202.020 of the Kentucky Revised Statutes is amended to read as follows:

The circuit courts shall have exclusive jurisdiction of all inquests concerning the commitment or determination of competency of persons alleged to be mentally ill or mentally defective, except that when no circuit court is in session in the county, such inquests may be held by a circuit judge or by the county court, provided, that all inquests upon persons convicted of a crime shall be held only at regular term of the circuit court. When the inquest is held by the county court a fee of three dollars shall be allowed the court for holding said inquest and this fee shall be paid by the county, upon a certified copy of an order of allowance made by the court holding the inquest.

Section 4. Section 202.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any reputable resident of the county having knowledge of a person in the county not serving a sentence in the penitentiary or reformatory, who appears to be either mentally ill or mentally defective may file a petition with the circuit clerk for a determination of the mental condition of such person setting forth facts verified by affidavit. The affidavit may be upon information and belief.

(2) Proceedings for the commitment of a person who has been voluntarily admitted to a state mental hospital, who has been admitted on the request of a health officer, who has been returned to a hospital from another state, or who has been admitted on the application of his spouse, guardian, parent or friends may be initiated by the filing in the proper court of the county in which the hospital is located a certificate of two hospital staff physicians stating that the person is mentally ill or mentally defective and recommending that he be committed. The court shall forthwith hear the case as provided in KRS 202.140.

(3) No mentally ill person or mentally defective person shall be

committed to a state mental hospital or an institution for mental defectives unless he has been adjudged to be either mentally ill or mentally defective.

Section 5. Section 202.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) In proceeding initiated by petition, the petition may request:

(a) that the defendant be sent to a hospital for observation, care and treatment of his condition; or

(b) that he be adjudged incompetent; or

(c) both.

(2) The petition shall set forth:

(a) the name and residence of the person concerning whom the petition is filed;

(b) the name and residence of the parents, if living, and if known to the petitioner, or of his legal guardian, if any, and if known to the petitioner;

(c) the name and residence of the husband or wife, if any, and if known to the petitioner;

(d) 1. the name and residence of the person having custody of such person, or if no such person is known,

2. the name and residence of some near relative, or that such person is unknown;

(e) Such other information as may be prescribed by the commissioner.

Section 6. Section 202.050 of the Kentucky Revised Statutes is amended to read as follows:

In each inquest the court shall appoint a member of the bar to represent and protect the interests of the defendant, and the attorney for the Commonwealth also shall prevent the finding of any person to be mentally ill or mentally defective who, in his opinion, is not such.

Section 7. Section 202.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The defendant, if of legal age, shall be notified of the proceedings by a summons issued requiring the person having custody or residing with the defendant to appear with the defendant at a time and place stated in the summons, not less than three days after service. All other persons named in the petition shall also be notified of the proceedings. If a person summoned as provided in this section fails without reasonable cause to appear and abide the order of the court, he may be proceeded against for contempt of court.

(2) If the petition alleges that the defendant is of violent character and is dangerous, a warrant may be issued for his arrest. Such warrant may be issued by the circuit judge or county judge having jurisdiction of the proceedings as prescribed by KRS 202.020. If any such person is arrested on such warrant, he shall be taken immediately to any hospital or institution having psychiatric facilities approved by the Commissioner of Mental Health and shall be examined by one or

more staff physicians or psychiatrists attached to such hospital or institution. If the person is deemed of violent character and confinement is recommended by the examining physician, such person shall be confined in the appropriate hospital or institution to await further legal action as prescribed in this chapter. In counties where hospital facilities are not available, said person may be confined in the county jail for a period not to exceed forty-eight hours.

Section 8. Section 202.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the petititon mentioned in KRS 202.040 has been properly filed with the clerk of the court, the court shall appoint two physicians to examine the defendant and to certify to the court as to whether they find the defendant to require further observation or study in a mental hospital, but if the petition mentioned in KRS 202.040 is for the inquest of one alleged to be mentally defective, the court shall appoint two physicians or one physician and one certified clinical psychologist licensed under the provisions of KRS Chapter 319 to examine the defendant and to certify to the court as to whether they find the defendant to need further study in an institution.

(2) Where possible, the physicians or physician selected shall have made a special study of mental deficiency and mental disease. The examiners, either physicians or physician and certified clinical psychologist, shall be entitled to a fee of ten dollars each for such examination and certification, to be paid by the county in which the petition is filed, upon a certified copy of an order of allowance made by the court holding the inquest.

Section 9. Section 202.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The certificate shall state that the defendant has been examined by each of the medical examiners making the certificate within three days prior to the date of the certificate, and that in their judgment he shows signs or symptoms of mental illness or mental deficiency, if such be the fact, and that the defendant requires further observation and treatment that can best be provided by a hospital or institution having facilities for such observation or treatment.

(2) The certificate shall be in the form prescribed by the Department of Mental Health, and shall state the facts and circumstances upon which the judgment of the medical examiners is based, and shall be sworn to before a notary or the clerk or judge of the court.

Section 10. A new section of Chapter 202 of the Kentucky Revised Statutes is created to read as follows:

(1) In determining whether the defendant should be sent for observation, care and treatment, the court may in its discretion require other evidence in addition to the petition and the petition and the certificates of the examining physicians, and may require the attendance at the hearing of the physicians and any other witnesses. The

defendant or anyone representing him may summon witnesses and present evidence as in other cases.

(2) If the certificate of the medical examiners states that the defendant appears to be in good mental health and that he appears not to require any observation or treatment, the court may discharge the defendant and terminate the proceedings.

Section 11. Section 202.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the certificate of the medical examiners mentioned in KRS 202.110 states in substance that in the opinion of such examiners the defendant shows signs or symptoms of mental illness or mental deficiency and that he requires further medical examination and observation or treatment of his mental condition, the court may order such person to a state mental hospital, or to a city, county or private hospital in the county having a psychopathic ward or facilities suitable, in the court's opinion, for the care and medical examination, observation and treatment of mental diseases, or, upon receipt of a certificate in writing from the United States Veterans Administration or other agency of the United States Government that facilities are available and that such person is eligible for care or treatment therein, to the said United States Veterans Administration or other agency of the United States Government, for a period of care and further medical examination, observation and treatment of the mental condition of such person not to exceed thirty-five days. Except when a person ordered to a mental hospital or federal agency has been found to be not mentally ill or defective as provided in subsection (2) of this section, the court may not modify, withdraw, revoke or annul the order placing the individual in a mental hospital or federal agency until the expiration of the thirty-five day period. At the request of the hospital the court may extend this period by not more than an additional thirty-five days.

(2) Within thirty days after such an order is made, if a staff physician of the hospital or a responsible medical officer of the United States Veterans Administration or other federal agency to which the person has been ordered, finds that the person is not mentally ill or defective, he shall so certify to the judge who made the order, and after the certificate has been delivered to the judge, may return the person to the county in which is located the court by which the order was made. Upon receipt of the certificate, the judge shall order the discharge of the person, and the clerk shall mail an attested copy of the order to the physician or medical officer from whom the certificate was received.

(3) Within thirty days after admission by court order as provided for in subsection (1) of this section, if two staff physicians of the hospital to which the patient has been ordered, or, in the case of the United States Veterans Administration or other federal agency, the responsible medical officer and staff physician of the Administration or other agency, find that the person is mentally ill or mentally de-

fective, they shall so certify to the court by which the order was made. Thereupon an inquest shall be held in accordance with KRS 202.130 and 202.140, and the court shall admit as evidence the certificate above referred to in this subsection.

Section 12. Section 202.130 of the Kentucky Revised Statutes is amended to read as follows:

No inquest shall be held unless the defendant is in court, except when it appears from the oath or affidavit of two regular practicing physicians that they have examined him and that they believe that his condition is such that it will be unsafe or unwise to bring him into court, or except upon the presentation of an affidavit from two staff physicians of the institution to which the defendant has been admitted under KRS 202.120, 203.020, 203.030, or 203.040 that the defendant is mentally ill or mentally defective.

Section 13. Section 202.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) If the petition has requested that the defendant be adjudged incompetent, the court shall impanel a jury.

(b) If the petition has requested only that the defendant be sent for observation, and if two hospital staff physicians have certified him to be mentally ill or mentally defective and recommended his commitment, or if the proceeding has been initiated by certificate of staff physicians:

1. the court shall impanel a jury if the defendant requests, but otherwise,

2. the court shall hold the inquest without a jury in chambers.

(2) (a) In an incompetency proceeding the following oath shall be administered to the jury: "You do swear that you will well and truly inquire and from the evidence say in your verdict whether the person whom you have in charge is incompetent to manage his affairs, and if so, whether he is mentally ill or mentally defective; whether he is in need of care; that you will also determine his place of birth and residence, and whether he has been brought into this state by any person, and by whom, for the purpose of becoming a charge of the Commonwealth. You will find what estate, and the value thereof, he owns in possession, reversion or remainder; whether his parents are alive, where they reside, and whether they have estate sufficient to support him, and if married, where his or her spouse resides, and whether such spouse has an estate sufficient to support him.

(b) In a commitment proceeding when a jury is used the jury shall be sworn to find whether or not the defendant is mentally ill or mentally defective.

(c) The court shall instruct the jury upon the whole case.

(3) In any case the court may in its discretion require other evidence in addition to the petition and the certificate of the hospital staff, and may require the attendance at the hearing of the certifying staff members and any other witnesses. The defendant or anyone

representing him may summon witnesses and present evidence as in other cases.

Section 14. Section 202.145 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the clerk of the court, immediately upon the rendering of a judgment in an inquest proceeding adjudging a person to be incompetent, or a restoration of same, within not more than twenty-four hours thereafter, to file an attested copy of said judgment in the office of the clerk of the county court of the county in which said judgment was rendered, which copy shall be filed and not recorded by the county clerk but indexed in the book in which notices of action and encumbrances are indexed. For each filing the county clerk shall receive a fee of fifty cents which shall be taxed as costs of the inquest by the clerk of the court filing same; provided, however, should the person adjudged be without any estate, or a pauper, the county clerk shall receive, file and index said judgment without the payment of any fee. Unless a copy of said judgment is filed in said county clerk's office, the judgment shall not constitute notice to any subsequent bona fide purchaser for value, mortgagee, or encumbrancer.

Section 15. Section 202.160 of the Kentucky Revised Statutes is amended to read as follows:

The court may order the defendant to a state mental hospital, or to an institution for the mentally defective, as the facts warrant, or, where eligible, to the United States Veterans Administration or other federal agency as provided in KRS 388.350, or may commit him to a properly licensed private hospital or institution approved by the commissioner or to a committee whom the court finds to be proper and competent to minister to his welfare, except as otherwise provided.

Section 16. Section 202.165 of the Kentucky Revised Statutes is amended to read as follows:

Whenever, in an inquest for the commitment of any person who appears to be mentally ill or mentally defective it is determined that the defendant is either mentally ill or mentally defective, or a drug addict, including alcoholic, and the defendant is eligible for care or treatment by the United States Public Health Service or other agency of the United States Government, the court of the county in which such person is found, having jurisdiction in such matters, upon receipt of a certificate from the United States Public Health Service or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Thereafter such person, upon admission to any such facility, shall be subject to the rules and regulations of the United States Public Health Service or other agency of the United States Government. The chief officer of any such facility or institution to which such person is committed under the provisions of this section shall be vested with the same powers as are exercised by the state mental hospitals with respect to the retention, transfer, parole, or discharge of the person so committed. Notice of such pending commitment proceedings shall be furnished the person whose commitment is sought and his right to appear and defend shall not be denied. The judgment or order of commitment by a court of competent jurisdiction of another state or the District of Columbia committing a person to the United States Public Health Service or other agency of the United States Government, for care or treatment, shall have the same force and effect as to such person in this state as in the state in which is situated the court entering such judgment or making such order.

Section 17. Section 202.170 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Mental Health shall prescribe from time to time, by regulations, for the designation of hospital districts, for the purpose of determining to which of the state institutions for the mentally ill the persons admitted from each county shall initially be sent.

Section 18. Section 202.180 of the Kentucky Revised Statutes is amended to read as follows:

The judge of the court which orders any person to a state mental hospital shall at once, by wire or letter, notify the institution that such order has been made, advising of the sex and condition of the person.

Section 19. Section 202.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hospital receives the notice provided for in KRS 202.180, it shall immediately send a competent attendant or shall designate a competent person from the county in which the person has been ordered to the institution to convey the person to the institution, and only the actual traveling expenses of conveying any person to the institution shall be paid. Each female committed to any institution shall be accompanied by a female attendant, unless accompanied by her father, brother, husband or son.

(2) The hospital shall itemize the expenses of conveying all such persons to the institution and shall send a statement thereof to the commissioner's office which shall present the statement to the Department of Finance, and the expenses shall be paid in the manner provided for the payment of claims.

(3) In returning any patient to the county from which he was sent, when necessary, the cost of returning him shall be paid in the same manner.

(4) Only one person shall be paid out of the State Treasury for conveying a patient.

Section 20. Section 202.210 of the Kentucky Revised Statutes is amended to read as follows:

With the commitment of a person to a hospital, a copy of the petition, the certificate of the examining physicians, and the order of commitment shall be sent to the hospital.

Section 21. Section 202.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) If there is not room in the institution for the person sought to be committed, the hospital shall return the papers to the judge, and thereupon, without further proceedings, the judge shall, unless otherwise specially provided by law, issue a supplementary order committing such person to guardianship until a vacancy exists in the institution. In such case the judge shall send to the hospital a copy of the supplementary order of commitment to guardianship and a copy of the original order of commitment, the petition and the certificate of mental illness.

(2) When a vacancy occurs in the institution, the hospital shall immediately notify the judge and clerk of the court having charge of the patient and shall send an attendant to convey the patient to the institution. The patient shall be delivered to the attendant immediately upon arrival and the commitment to guardianship shall thereupon cease and the original order of commitment to the institution shall take effect.

Section 22. Section 202.240 of the Kentucky Revised Statutes is amended to read as follows:

No order shall be made by any court or officer for sending a mental defective to any mental hospital, nor shall such mental defective be received therein unless the jury by their verdict on the inquest, or the court if there is no jury, finds that he is so dangerous or uncontrollable that he cannot be safely and properly kept by a committee within the county.

Section 23. Section 202.250 of the Kentucky Revised Statutes is amended to read as follows:

The hospital may refuse to receive any person upon an order of commitment if the papers presented with such person do not comply with the provisions of this chapter.

Section 24. Section 202.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the court which holds the inquest orders an additional guard, his expenses shall be paid by the county and the costs shall not exceed seven cents per mile to be calculated by the nearest traveled route and all actual necessary expenses for feeding and lodging the patient.

(2) No allowance for expenses of either guard or patient to and from the hospital or institution shall be made unless a written application has been made previously to the hospital or an order of the court has been made to convey the patient to the hospital immediately because of his violent and dangerous character.

Section 25. Section 202.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the staff of a mental hospital or institution believes a person committed to it is no longer mentally ill or mentally defective, it shall file a written certificate in the court which adjudged him to be mentally ill or mentally defective and a copy with the department. The certificate shall be prima facie evidence that the person is a well person.

(2) (a) If the person had been committed without being declared incompetent, the court shall forthwith order his discharge.

(b) If the person had been committed and declared incompetent, the court shall hold a restoration proceeding within ten days.

(3) No proceedings for restoration shall be instituted for any person adjudged to be incompetent who has been committed to a hospital until the restoration of such person has been requested by the hospital.

Section 26. Section 202.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever it appears from a certificate filed with the court in which a person has been adjudged to be incompetent that such person has been restored to his proper senses the court shall within ten days inquire into the facts either by a jury in open court or at its discretion in chambers and shall make all necessary orders in the premises.

(2) If the court finds such person to be a well person, it shall enter an order and judgment restoring the person and giving him all the rights and privileges of a well person.

Section 27. A new section of the Kentucky Revised Statutes is created to read as follows:

In each restoration proceeding the court shall appoint a member of the bar to represent and protect the interest of the patient and said attorney shall be entitled to a fee of ten dollars for his services to be paid by the county in which the restoration proceeding is held, upon a certified copy of an order of allowance made by the court holding the proceeding.

Section 28. Section 202.300 of the Kentucky Revised Statutes is amended to read as follows:

When a person is adjudged to be a well person and is restored, or discharged from commitment, the clerk of the court shall locate among his records the order adjudging such person to be incompetent or mentally ill or mentally defective and the index thereof and shall note the restoration or discharge thereon and make a sufficient notation upon the margin of the order and of the index, to enable one to forthwith locate the orders in the inquest of restoration, or discharge.

Section 29. Section 202.320 of the Kentucky Revised Statutes is amended to read as follows:

Proceedings for restoration of a person who has been adjudged incompetent but not committed to a hospital may be instituted by the filing of an affidavit by the person seeking restoration, or by his spouse, relative, guardian, or next friend. Written notice of the proceedings for restoration shall be given to the county attorney and to the committee, if any, of the person seeking restoration. If the proceedings are instituted by a person other than the spouse, relative or guardian of the person seeking restoration such notice shall also be given to those persons.

Section 30. Section 202.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the staff of a state institution for mentally defective persons believes that the condition of a patient has sufficiently improved so that his release will not be injurious to him or detrimental to the public welfare, or that he is not a proper case for treatment at a state institution, it may, on filing a written certificate with the Department of Welfare, release such person, unless the person is held on an order rising out of a criminal offense.

(2) Before making such a certificate, the staff shall satisfy themselves by sufficient proof that friends or relatives of the person are willing and financially able to receive and care for such person after his release if he is unable to care for himself. If the person to be released is indigent, he shall be returned to the county judge of the county from which he was committed.

(3) No person shall receive a pauper mental defective into his home without a permit from the Department of Welfare.

Section 31. Section 202.350 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a person, who is being held in a hospital on an order rising out of a criminal offense, is found not to be mentally ill or to have recovered, the hospital shall notify the court which has jurisdiction of such person and such court shall forthwith remove the prisoner from the hospital.

Section 32. Section 202.360 of the Kentucky Revised Statutes is amended to read as follows:

If the hospital staff is unwilling to discharge a person upon request and so certifies in writing, giving its reasons therefor, the county judge of the county in which the institution is situated, may upon such certificate and an opportunity for a hearing thereon being accorded members of the hospital staff, and upon such other proof as may be produced before him, order the discharge of such person, upon such security to the people of the state as he may require for the good behavior and maintenance of the person discharged.

Section 33. Section 202.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) The hospital may permit patients to be removed by their families or friends on trial visit for care outside the hospital for such length of time as may be deemed advisable.

(2) If any patient recovers while on trial visit, the hospital may discharge him as provided in KRS 202.280 or KRS 202.340. Nothing

in this section shall apply to patients held under a commitment order for observation or an order rising out of a criminal offense.

Section 34. Section 202.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an inmate of any penal and correctional institution is reported by the staff of that institution to the commissioner as being so mentally defective or mentally ill that he cannot be properly treated with the facilities at the disposal of the physician, the commissioner shall have a mental examination conducted on such inmate, either by the commissioner himself or some physician of the regular state hospital service designated by the commissioner for that purpose.

(2) If this examination reveals that the inmate is in need of observation and treatment on account of mental deficiency or mental illness, and that such observation and treatment cannot be properly carried out in the institution in which he is incarcerated, the commissioner may then order his transfer to a state hospital, where he shall remain until the staff of the hospital which received him advises the commissioner that his condition has so far improved that he may be returned to the institution from which he came without special jeopardy to his mental health or to the discipline and conduct of the institution. The commissioner shall then authorize his return. If the sentence expires during his stay in the mental institution and he is still mentally ill or mentally defective and fit subject for commitment to a state hospital or institution, the staff of the hospital shall notify the court which sentenced him to the penal institution, accompanying such notification with a petition for inquest.

(3) During the time of prisoner's stay in a state hospital or institution his legal status as a prisoner shall remain unchanged until the termination of his sentence. The hospital staff shall have no authority to parole him, grant him permission to visit relatives or friends outside the hospital, or discharge him. The time a prisoner spends in a state hospital or institution shall be counted as a part of his prison sentence.

Section 35. Sections 202.080, 202.090 and 202.310 of the Kentucky Revised Statutes are repealed.

HB 216, AN ACT relating to the merger or consolidation of cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any two or more contiguous cities in the Commonwealth may merge or consolidate into one city by a majority vote of each city at elections called for such purpose.

Section 2. The legislative bodies of each of the cities desiring to merge or consolidate shall enact ordinances proposing the merger or consolidation and calling elections in the respective cities to determine the desire of the voters.

Section 3. Such elections shall be held not less than thirty days nor more than sixty days after the last of said ordinances is enacted. The qualifications of voters and all other matters in regard to the election shall be governed by the general election laws. The question shall be submitted in substantially the following form:

Are you in favor of merging or consolidating the city of——— and the city of————————into one city, to be known as the city of————————?

yes———

no———

Section 4. If a majority of the legal votes in each city favor the merger or consolidation, then in thirty days after the certification of the results of the election the cities shall be merged or consolidated.

Section 5. All elected officials shall continue to hold their offices in the newly formed city, until their respective terms of office expire and the combined legislative body of the new city shall designate the person to sign official documents on behalf of the city.

Section 6. A merger or consolidation shall not impair contractual obligations of either of the combined cities. Tax levies authorized for the payment of interest and the retirement of bonds or to create sinking funds for such purposes shall continue to be levied and collected over the same area by and for the new governing body in accordance with the laws under which the levies were originally made until all bonded obligations of the old city have been retired.

Section 7. An emergency is declared to exist and this Act shall become effective from and after its passage and approval by the Governor.

HB 196, AN ACT relating to trade practices.

WHEREAS, it is necessary in the public interest to protect products identified with the tradename or trademark of the manufacturer or owner, which are in free and open competition with similar products, produced by others, from trade practices which act to centralize the sale of such products in the hands of monopolistic vendors and discourage and prevent small retailers and small business distributors from handling such products which bear the trademark or tradename of the owner, and which further act to depreciate the value of such products which bear the trademark or tradename of the owner by the creation of artificially low prices for the purpose of establishing monopoly in certain vendors, and thus generally to reduce distributor outlets and depress small business;

WHEREAS, it is for the ultimate benefit of the consumer and the economic well-being of the citizens of the Commonwealth of Kentucky to prevent unfair trade practices and to safeguard the goodwill of trademarks, brands and tradenames, to further widespread competition and to promote the public welfare by securing wide and independent distribution of commodities at the retail level;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Commodity" means any subject of commerce;

(2) "Producer" means

(a) Any manufacturer, grower, baker, maker, bottler, packager, converter, processor or publisher; or

(b) A person who identifies a commodity manufactured, produced or distributed by him by the use of his own trademark or tradename; or

(c) A person who has been specifically granted by the producer, distributor or manufacturer of a commodity which is identified by the trademark or tradename of such producer, distributor or manufacturer the full authority to establish minimum resale prices for such commodity in the Commonwealth of Kentucky;

(3) "Wholesaler" means any person selling a commodity other than a producer or retailer;

(4) "Distributor" means any person who acquires a commodity for the purpose of resale including a wholesaler or retailer;

(5) "Person" means an individual, corporation, partnership, association, joint stock company, business trust or any unincorporated organization;

(6) "Trademark" means any sign, distinctive device or mark used by a producer, manufacturer or distributor to identify his commodity and to distinguish it from commodities produced, manufactured or distributed by others;

(7) "Tradename" means any name of a manufacturer, producer or distributor or any work, words, symbol or symbols used by such manufacturer, producer or distributor to identify their companies, firms or organizations;

(8) "Notice" means notice given by any method provided by this Act or any form of actual notice given to any party;

(9) "Contract" means any agreement, written or verbal, and includes a contract which arises from the acts of the parties.

Section 2. The producer's permission to a distributor to acquire and use and resell the producer's commodity that is identified by the producer's trademark or tradename and the distributor's acquisition of such identified commodity for the purpose of reselling it, together with its trademark or tradename, shall constitute a contract. If the producer has established a minimum resale price for the commodity by any of the methods provided by this Act, then such minimum resale price shall be considered to be a part of the contract created between the producer and the distributor and shall be sufficient consideration for a promise by the distributor not to sell such commodity at less than the minimum price established by the producer. Any distributor, whether he acquires such commodity directly from the producer or otherwise, who accepts a commodity for the purpose of resale, which commodity bears the producer's trademark or tradename, with notice that the producer has established a minimum resale price for the commodity, shall be deemed to have entered into a contract with the producer not to resell the commodity at less than the minimum price stipulated by the producer.

(2) Any distributor who accepts a commodity that bears the trademark or tradename of the producer for the purpose of resale, which commodity is in free and open competition with similar commodities produced by others, with notice that the producer has established a minimum resale price for such commodity is deemed to have represented to the producer, whether he acquires the commodity directly from the producer or from another, by his act of acquisition of the commodity for the purpose of resale that he will not resell the commodity for less than the established minimum resale price. Thereafter the distributor shall be estopped from asserting against the producer or his representative that he acquired the commodity without the concomitant obligation to sell the commodity at a price that is not less than the producer's established resale price. It shall not be necessary to show that the producer or his representative had actual knowledge of the transaction whereby the distributor acquired the commodity in question in order for the producer or his representative to claim the benefit of this estoppel.

Section 3. (1) It shall be lawful for a producer to establish and control by notice to distributors, or by contract, stipulated minimum resale prices for a commodity of which he is the producer and which is in free and open competition with commodities of the same general class produced by others and offered for sale in the same general market area. Such minimum resale prices may be established for various levels of distribution, including the wholesale level of distribution and the retail level of distribution, provided such differentiations are not otherwise unlawfully discriminatory. Such prices may be changed from time to time by written notice to distributors who acquired the commodity with notice of any established minimum resale price.

(2) Any such contract or notice may contain the following provisions:

(a) That the distributor or buyer will not resell the commodity at less than the minimum resale price stipulated by the producer thereof for the level of distribution at which the distributor or buyer resells the same;

(b) That the purchaser will require from any other distributor to whom he may resell the commodity an agreement that such other distributor will not, in turn, resell the commodity at less than the minimum resale price established by the producer thereof for the level of distribution at which such distributor resells and that such distributor, if he resells to another distributor, will make the same agreement with the distributor to whom he may resell;

(c) That the producer will require from any other distributor to whom he may sell the commodity an agreement that the other distributor will not in turn, resell the commodity at less than the minimum resale price stipulated by the producer for the level of distribution at which the other distributor resells and that the other distributor, if he resells to still another distributor, will make the same agreement with the distributor to whom he may resell.

(3) Any contract or notice authorized by and entered into pursuant to any of the provisions of this Act shall be for the benefit of the producer and any distributor who is bound by a similar contract or notice.

Section 4. (1) Actual notice of stipulated minimum resale prices may be given to any person by mail, through advertising, or through a notice attached to the commodity or its container, package or dispenser or on the invoice therefor or imparted orally. Deposit in the United States mail with postage prepaid of a letter properly addressed to a distributor and specifying minimum resale prices established by a producer shall constitute prima facie evidence of actual notice to the distributor of the resale prices.

(2) The acquisition of or dealing in a commodity clearly marked, or enclosed in containers, packages or dispensers clearly marked, or the invoice for which was clearly marked, with minimum resale prices established by a producer shall be conclusive evidence of actual notice of the minimum resale prices. Actual notice may also be established by legally admissible evidence.

(3) A person with actual notice of any applicable minimum resale price is thereby charged with notice that the price is subject to change.

Section 5. A producer is deemed to retain a proprietary interest in any commodity with respect to which he is a producer after he has sold it to distributors, so long as the commodity continues to be identified by his trademark or tradename, by reason of his interest in stimulating demand for such commodity through advertising and through effective distribution to ultimate consumers and because of his interest in continuing protection of the good will associated with his trademark or tradename.

Section 6. (1) No distributor who is deemed to have contracted with the producer under this Act shall sell, offer to sell, or advertise a commodity for sale at a price lower than the established minimum resale price.

(2) In determining whether the sale or offer to sell or advertisement for sale of any commodity is below the stipulated minimum resale price there shall be deducted from the price at which the commodity is sold, offered for sale, or advertised for sale:

(a) The value of any article or thing, of exchange or extrinsic value, given; and

(b) The value of any concession made, whether by the giving of coupons or otherwise, which concession is made or to be made in connection with the sale or offering to sell.

(3) In determining whether the sale, offer to sell or advertisement for sale is below the stipulated minimum resale price, the effect of the following actions shall be calculated:

(a) The sale or offering for sale of a commodity with any other commodity for a single or combined price;

(b) The giving of or offering to give any credit or allowance in excess of the actual market value of the credit or allowance;

(c) The failure to add any tax occasioned by or upon the sale of the commodity.

Section 7. It shall be a defense to an alleged violation of the relationship created by this Act for a distributor to prove that a commodity has been advertised, offered for sale or sold:

(1) In closing out the distributor's stock of the commodity for the bona fide purpose of discontinuing dealing in such commodity and that plain notice of that fact has been given to the public; provided, the distributor has given to the producer prompt and reasonable notice in writing of his intention to close out such stock and an opportunity to purchase the stock of the commodity at the original invoice price;

(2) When the stock of the commodity is altered, second hand, damaged, defaced, or deteriorated and plain notice of that fact has been given to the public in the advertisement and sale thereof, such notice to be conspicuously displayed in all advertisements and affixed to the commodity;

(3) By an officer acting under an order of court;

(4) After the distributor has removed from the commodity all traces of the producer's identifying trademark or tradename and that in the sale or offer to sell or advertisement for sale no statement, representation, or suggestion of any kind has been made that would identify the commodity with the trademark or tradename of the producer.

Section 8. This Act shall not, except as otherwise specifically provided in Section 3 hereof, apply to any contract, agreement or understanding establishing minimum resale prices between or among producers or between or among distributors or between or among wholesalers.

HB 219, AN ACT relating to number of voters in precincts where voting machines are used.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 125.180 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of the general election laws as to the number of voters to be contained in each election precinct shall not apply to precincts in which voting machines are designated to be used, and the county court, subject to the other provisions of the general election laws as to changing the boundaries of voting precincts, may change the boundaries of precincts or consolidate precincts so that a precinct in which a voting machine is to be used may contain any number of registered voters not exceeding one thousand.

HB 140, AN ACT relating to libraries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 173.310 of the Kentucky Revised Statutes is amended to read as follows:

Any governmental unit may provide library service for its inhabitants according to any one of the following methods:

(1) The legislative body on its own initiative may establish an independent library.

(2) Upon receipt of a petition signed by a number of taxpayers equal to five percent of the number of votes cast for officers in the last general election of such governmental unit, the legislative body shall submit the question to a vote at the next general election. If a majority of those voting on the question vote in favor of the proposition, the legislative body shall forthwith establish a library, except as provided in subsection (4) of this section.

(3) The legislative bodies of two or more adjacent counties may on their own initiative, or upon a petition and vote in each county as provided in subsection (2) above, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the aggregate assessed valuation of the property assessable for local taxation in such counties is a minimum of $10,000,000, and subject to the provisions of KRS 173.320.

(4) The legislative body of any governmental unit may on its own initiative contract to receive service from an existing nearby library, the library of a nearby institution of higher learning, the State Library Extension Division, or from a nearby library not owned by a governmental unit but which provides free service, each of these having reciprocal power to render the service. In the event of a petition and vote as provided by subsection (2), a legislative body shall have the privilege of providing library service by contract in lieu of establishing an independent library.

When any one of the above methods has been complied with, the legislative bodies of the governing units shall at once make the necessary appropriation or levy to establish and maintain such library service annually and perpetually.

Section 2. Section 173.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the legislative body of a governmental unit has made provisions for library service according to any of the methods set forth in KRS 173.310, the legislative body shall appropriate money annually to furnish such service. In library regions it shall not be less than three cents, nor more than ten cents on each one hundred dollars worth of property assessed for local taxation. In counties containing a city of the first class it shall be not more than fifteen cents on each one hundred dollars worth of property assessed for local taxation. In all other governmental units it shall be not less than five cents nor more than fifteen cents on each one hundred dollars worth of property assessed for local taxation. It may be a special levy if the constitutional limit has not already been levied or this amount included in the general levy.

(2) When the constitutional limit has been reached, a reasonable amount of money shall be appropriated for library services. In determining the amount, the existing condition of library services, the need for expansion of library services, and past appropriations for library services shall be considered. The amount appropriated shall be subject to review by the state Local Finance officer.

(3) All funds for the library shall be deposited monthly to the credit of the library board. These funds shall not be used for any but library purposes. The treasurer of the library board shall be required to execute bond with good and sufficient surety thereon for the faithful performance of his duties, the amount of the bond to be fixed by the board. If the bond has a corporate surety the premium shall be paid from the library fund. The board shall have exclusive control of expenditures, subject to an examination of accounts as may be required by the legislative body, and money shall be paid only upon vouchers approved by the board. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library purposes, except where a library board is the owner of real estate not used for library purposes, in which case they may borrow money secured solely by that property. Principal and interest on indebtedness on real estate owned by a library board not used for library purposes is not chargeable to the library funds derived from taxation.

SB 15, AN ACT relating to the return of fugitives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 440.090 of the Kentucky Revised Statutes is amended to read as follows:

When the Governor of this state makes requisition upon the governor of another state for a fugitive from justice, the person named in the requisition as the agent of this state shall, unless a different condition is contained in his commission, be allowed as compensation from the State Treasury for his services ten cents per mile for the distance he travels to and from the jail of the county designated in the proclamation to the place where the fugitive is arrested, and any other necessary expenses he pays in reclaiming and returning the fugitive. If the agent is not given possession of the fugitive for reasons beyond the agent's control, he shall nevertheless be allowed the compensation prescribed by this section. Upon the return of the fugitive to the county in which the jail named in the proclamation is located, the person having him in charge shall go before a magistrate, who shall issue a mittimus to the jailer to receive the prisoner and keep him until he is discharged.

Committee on Kentucky Statutes #3 reported **SB 60** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

SB 60, AN ACT relating to compensation of public officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, commissioners of the Court of Appeals, employes of the General Assembly, including employes of the Legislative Research Commission, members of boards and commissions, and presidents and employes of the University of Kentucky and the state colleges, the Department of Personnel shall prepare a schedule of compensation, payable out of the State Treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employe, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Department of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 18.010 to 18.070. No such schedule shall become effective until it has been approved by the Governor.

(2) The Governor shall set the compensation payable out of the State Treasury to each office or position in the state service hereinafter named but such compensation shall not exceed the maximum sums listed herein:

(a) Commissioner of Conservation, Commissioner of Economic Development, Commissioner of Economic Security, Commissioner of Finance, Commissioner of Health, Commissioner of Highways, Commissioner of Mental Health, Commissioner of Public Relations, Commissioner of Public Safety, Commissioner of Revenue, Commissioner of Banking, Commissioner of Insurance, Commissioner of Motor Transportation, Commissioner of Personnel, Commissioner of Welfare, $12,000;

(b) Adjutant General, Administrator of Distilled Spirits Unit, Administrator of Malt Beverages Unit, Chief of the Department of Mines and Minerals, Commissioner of Aeronautics, Commissioner of Alcoholic Beverage Control, Commissioner of Fish and Wildlife Resources, Commissioner of Industrial Relations, Director of the Kentucky Crippled Children's Commission, Executive Director of the State Tuberculosis Sanatoria Commission, Manager of the Kentucky State Fair, Reviser of Statutes, Chairman of the Public Service Commission, $10,000;

(c) Members of the Public Service Commission of Kentucky, other than the Chairman, $9,000; members of the Workmen's Compensation Board, the provisions of KRS 64.660 to the contrary notwithstanding, and heads of statutory departments and agencies other than those named in paragraphs (a) and (b) of this subsection, $7,500;

(3) The compensation payable out of the State Treasury to officers and employes subordinate to any office or position listed in subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position, except with respect to physicians as provided in KRS 64.655 and employes of the Public Service Commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the Department of Personnel with the approval of the Governor as provided in subsection (1) of this section.

(4) The compensation payable out of the State Treasury to any subordinate officer or employe in any department, agency, board or commission of the state government not covered by subsection (3) of this section, except elective officers, their assistants and employes, shall not exceed $7,500 per annum, provided however that Doctors of Veterinary Science may be paid not to exceed $10,000 per annum.

(5) Nothing in this section shall preclude the allowance of maintenance to officers and employes of the state.

Section 2. Whereas proper compensation of public officers is a matter of vital concern to the efficient operation of state government, an emergency is declared to exist, and this Act shall take effect immediately upon its passage and approval by the Governor.

Committee on Public Health reported **HB 118, HB 178** and **HB 170** with the expression of opinion that the same should not pass.

Committee on Courts and Legal Procedure reported **HB 187** and **HB 186** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 187, AN ACT relating to special court reporters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the absence of the reporter for a circuit court, or when he does not or cannot act, the court may appoint another person to act as stenographic reporter, and the acts of the person so appointed shall have the same effect for every purpose as if done by the stenographic reporter.

(2) Every special reporter so appointed shall be paid by the county for his services the sum of $10.00 for each morning, afternoon, or evening session, and shall be paid his actual expenses not to exceed $10.00 per day, when acting outside the county of his residence; provided, that amounts paid to special reporters for services rendered in excess of 12 days per year shall be deducted from the salary of the official reporter of the court so served, if the official reporter was receiving a salary at the time of his absence.

HB 186, AN ACT relating to the payment of expenses of certain stenographic reporters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Official stenographic reporters serving judicial districts comprised of more than one county shall be paid their actual expenses, not to exceed ten dollars per day, when acting outside the county of their residence, in addition to other compensation provided by law. After being approved in writing by the circuit judge, the claims for expenses shall be presented to the Commissioner of Finance, and shall be paid out of the General Expenditures Fund of the State Treasury.

Committee on Public Health reported **HB 121** with the expression of opinion that the same should not pass.

Committee on Courts and Legal Procedure reported **HB 171** and **SB 50** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 171, AN ACT relating to terms of circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The preamble of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed; provided, that if any term commences on a legal holiday the court may open the term on the succeeding day.

SB 50, AN ACT relating to County Law Libraries; permitting an alternate method of financing a County Law Library in a county containing a city of the second class as well as counties containing a city of the third or fourth class and relating to Chapter 172 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 172.180 of the Kentucky Revised Statutes is amended to to read as follows:

Any county containing a city of the second, third or fourth class may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or KRS 172.170:

(1) Upon petition of three-fourths of the duly licensed and practicing attorneys the duly licensed and practicing attorneys resident in the county addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognized the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county endorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order upon the official order book of the circuit court of the county noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the names of each duly licensed and practicing attorney signing said petition, and the county court order book and page number containing the resolution of the fiscal court.

(3) The order shall direct the following:

(a) That the clerk of the circuit court shall forthwith cause to be delivered to the clerk of every court in the county, including quarterly, county, justice's, and city or police courts, a certified copy of the order;

(b) That upon receipt of the order by the clerks of said courts there shall be taxed as costs in all actions, except examining trials and felony trials, thereafter instituted in said courts the following fee, which shall be designated as county law library fee: in quarterly, county, justice's, and city or police courts, a sum not to exceed fifty cents; in circuit courts, on all civil actions a sum not to exceed one dollar; and on all misdemeanor trials, a sum not to exceed fifty cents; and

(c) That the clerks of the various courts shall at the end of each month, pay all sums collected as county law library fee in their respective courts, during the preceding month, to the trustees of the county law library, and the clerks shall make a full report with said payment, and receive a receipt for all payments.

Committee on Courts and Legal Procedure reported **HB 224** and **HB 225** with the expression of opinion that the same should not pass.

Committee on Courts and Legal Procedure reported **HB 195** and

HB 209 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 195, AN ACT relating to the filing of tax liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notices of tax liens payable to the Commonwealth or any political subdivision or taxing district therein and certificates discharging such liens shall be filed by the appropriate collector, in duplicate, in the office of the county clerk of each county within which real property subject to the lien is located.

Section 2. When a notice of a tax lien is filed, the county clerk shall forthwith enter the same in an alphabetical tax lien index, showing on one line the name and residence of the taxpayer named in the notice, the date and hour of filing, and the amount of tax and penalties. He shall endorse on both the original and duplicate copies of the notice the date and hour of filing and shall mail the duplicate to the collector from whom received. The county clerk shall file and keep all original notices so filed, in numerical order, in a file or files appropriately designated.

Section 3. A tax lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor of real property until notice thereof has been filed in accordance with this Act.

HB 209, AN ACT relating to extradition of fugitives from justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Uniform Criminal Extradition Act.

Section 2. Where appearing in this Act, the term "Governor" includes any person performing the functions of Governor by authority of the law of this state. The term "Executive Authority" includes the Governor, and any person performing the functions of Governor in a state other than this state, and the term "State," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.

Section 3. Subject to the provisions of this Act, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this state to have arrested and delivered up to the Executive Authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

Section 4. No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing alleging, except in cases arising under Section 7, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the Executive Authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the Executive Authority making the demand.

Section 5. When a demand shall be made upon the Governor of this state by the Executive Authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any other officer of this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

Section 6. (1) When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this state may agree with the Executive Authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

(2) The Governor of this state may also surrender on demand of the Executive Authority of any other state any person in this state who is charged in the manner provided in Section 4 of this Act with having violated the laws of the state whose Executive Authority is making the demand, even though such person left the demanding state involuntarily.

Section 7. The Governor of this state may also surrender, on demand of the Executive Authority of any other state, any person in this state charged in such other state in the manner provided in Section 4 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose Executive Authority is making the demand, and the provisions of this act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Section 8. If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Section 9. Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this Act, to the duly authorized agent of the demanding state.

Section 10. Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

Section 11. No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a circuit court, county court, or police court in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting attorney of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Section 12. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in wilfull disobedience to Section 11, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than one hundred nor more than one thousand dollars or imprisoned in the county jail not less than ten nor more than thirty days, or both.

Section 13. (1) The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

(2) The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the

prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the Executive Authority of such demanding state. Such prisoner shall not be entitled to demand to a new requisition while in this state.

Section 14. Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under Section 7, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under Section 7, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the circuit judge, the judge of the county court or the police judge of a city in the county in which he was arrested who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Section 15. The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Section 16. If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under Section 7, that he has fled from justice, the judge must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Section 17. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor of this state.

Section 18. If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, the judge may discharge him or may recommit him for a further period not to exceed sixty days, or may again take bail for his appearance and surrender, as provided in Section 17, but within a period not to exceed sixty days after the date of such new bond.

Section 19. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

Section 20. The Governor may in his discretion surrender upon demand of the Executive Authority of another state, any person found in this state, notwithstanding the fact that a criminal prosecution or charges under the laws of this state are pending against such person, or that such person has been convicted in this state and is serving a sentence in any penal institution of this state. The Governor may condition the release of such prisoner to the demanding state upon such terms as he may stipulate, including the condition that the prisoner be returned to this state immediately after trial and before commencing the service of sentence, if any, in the demanding state; provided, however, in no case shall surrender of such prisoner be construed as a complete relinquishment of jurisdiction by this state, but such prisoner shall forthwith be returned to the custody of this state at expense of the demanding state, immediately after trial in the demanding state, or the completion of sentence therein, as the case may be.

Section 21. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

Section 22. The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

Section 23. Whenever the Governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the Executive Authority of any other state, or from the chief justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

Section 24. (1) When the return to this state of a person charged with crime in this state is required, the Commonwealth's attorney or county attorney shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

(2) When the return to this state is required of a person who has been convicted of a crime in this state and escaped from confinement or broken the terms of his bail, probation or parole, the Commonwealth's attorney or county attorney of the county in which the offense was committed, the chairman of the parole board, or the warden of the institution or county attorney of the county from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

(3) The application shall be verified by affidavit, shall be executed in triplicate and shall be accompanied by three certified

copies of the indictment returned, or affidavit made before a judge or magistrate and warrant of arrest issued thereon, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The Commonwealth's attorney or county attorney, chairman of the parole board or warden shall also attach such further affidavits and other documents in triplicate as he or the Attorney General may deem proper to be submitted with such application. When the application is made pursuant to subsection (1) of this section, the prosecuting attorney shall, unless the case is of the type mentioned in Section 7 of this Act, submit to the Governor proof in the form of an affidavit that the accused was personally present in this state at the time of commission of the crime charged. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, affidavit and warrant, or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Section 25. (1) When a person charged with commission of a felony in this state or with having been convicted of a felony here and having escaped from confinement or broken the terms of his bail, probation or parole is arrested in another state and waives extradition proceedings, the county judge of the county in which the felony was committed, or from which the escape was made, may, upon filing of a verified application by the Commonwealth's attorney or county attorney setting forth the fact of waiver and making all statements required by subsection (1) or subsection (2) of Section 24 of this Act, enter an order designating an officer to return the fugitive to this state without benefit of any procedure incidental to extradition proceedings. Upon entry of such order the officer so designated shall be authorized to go after and return the fugitive as the agent of this state and shall receive from the State Treasury the same payment for his expenses as is provided by KRS 440.090 for agents acting under requisition of the Governor. Claims for reimbursement of expenses under this subsection shall be accompanied by certified copies of the verified application for appointment of the agent and the order of appointment, together with a copy of any process showing delivery of the fugitive to the jailer upon return to this state. If the agent is not given possession of the fugitive for reasons beyond the agent's control, he shall nevertheless be reimbursed as provided herein, if it is shown that prior to his appointment as agent and before departure from the state the fugitive had executed in the presence of any officer authorized to administer an oath a written waiver stating that he consents to return to this state without extradition.

(2) All legal costs incurred in apprehending and securing in

this state a fugitive wanted in another state shall be paid by the agent of the state demanding him before the agent is permitted to remove him or receive him into custody.

Section 26. A person brought into this state, by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

Section 27. (1) Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 8 and 9 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any circuit court, county court or police court within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in Section 11.

(2) If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Secretary of State of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

Section 28. Nothing in this Act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, nor shall any proceedings had under this Act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

Section 29. After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

Section 30. Sections 440.070 and 440.080 of the Kentucky Revised Statutes are repealed.

Committee on Public Utilities reported **HB 109** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 109, AN ACT relating to public utilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of section 278.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 278.010 to 278.450, and in KRS 278.990, unless the context otherwise requires:

(3) "Utility" means any person, except a water district organized under KRS Chapter 74 or a city, who owns, controls, operates or manages any facility used or to be used for or in connection with:

(a) The generation, production, transmission or distribution of electricity to or for the public, for compensation, for lights, heat, power or other uses;

(b) The production, manufacture, storage, distribution, sale or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power or other uses;

(c) The transporting or conveying of gas, crude oil or other fluid substance by pipe line to or for the public, for compensation;

(d) The diverting, developing, pumping, impounding, distributing or furnishing of water to or for the public, for compensation;

(e) The transmission or conveyance over wire, in the air or otherwise, of any message by telephone or telegraph for the public, for compensation;

(f) The transportation of persons or property by street, suburban or interurban railway for the public, for compensation;

(g) A sanitation district established pursuant to KRS Chapter 220 for the collection and disposal of sewage and other liquid wastes for the public, for compensation.

Committee on Revenue and Taxation reported **HB 260** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 260, AN ACT relating to the acquisition of industrial buildings by cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All properties, both real and personal, which a city may acquire to be rented or leased to an industrial concern according to KRS 103.200 to 103.280, shall be exempt from taxation to the same extent as other public property used for public purposes, as long as the property is owned by the city.

Committee on Municipalities #2 reported **HB 203** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 203, AN ACT changing the classification of the City of Fort Wright, in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Fort Wright, in Kenton County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Fort Wright, in Kenton County, is transferred from the sixth to the fourth class of cities.

Committee on Municipalities #2 reported **HB 188** with the expression of opinion that the same should not pass.

Senate Message

Announcing passage of **SB 46, SB 89, SB 105, SB 110, SB 112** and **SB 114.**

Report on Enrolled Bills

Committee on Enrollment reported that **HB 38, HB 39, HB 54** and **HB 85** had been examined and found correctly enrolled. **HB 38, HB 39, HB 54** and **HB 85** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 38, HB 39, HB 54 and **HB 85** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

The Speaker vacated the Chair, and Representative Fitzpatrick presided.

HB 169 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Osborn moved to amend **HB 169** as follows: "Amend printed copy of House Bill 169 on page 3, section 2, line 6 by striking the word "any" and inserting in its place the word "and"; and on page 6, section 7, line 1 by striking the word "weight" and inserting in its place the word "weigh"; and on page 6, section 7, line 13 by striking the word weighting" and inserting in its place the word "weighing"; and on page 11, section 14, line 16 by striking the word "appointed" and inserting in its place the word "appointed". Agreed.

Representative Osborn moved to amend **HB 169** as follows: "Amend printed copy of House Bill No. 169 on page 12 after section 16, line 13 by inserting a new section to read as follows: "Section 17. Sections 260.400, 260.410, 260.420, 260.430, 260.440, 260.450, 260.460, 260.470, 260.480, 260.490, 260.500, 260.510, 260.520, 260.530, 260.990 (6) and 260.990 (7) of the Kentucky Revised Statutes are hereby repealed." Agreed.

On the roll call, the vote was yeas 66—Alexander, Bates, Baumgardner, Brizendine, Caudill, Childress, Cole, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Summe, Tanner, Tucker, Wathen, G. T. White, Wood, Young. Nays 11—Barton, Buckman, Burress, Cornett, Faulkner, Garner, Hall, Hays, Spurrier, Stacy and Treas. **HB 169** was passed and the title agreed to.

The Speaker resumed the Chair.

Representative Cottengim moved that **HB 98** be taken from Clerk's Desk and placed upon its passage. Agreed. Representative Cottengim moved the Previous Question on **HB 98.**

On the roll call, the vote was yeas 45—Bates, Brizendine, Buckman, C. C. Carter, Castle, Childress, Chumbler, Clark, Paul Cornett, Cottengim, Davis, Dexter, Dobyns, Faulkner, Fields, Fitzpatrick, Garner, Hahn, Hall, Harris, Hays, Isler, Lyon, Ben Martin, Miles, Moorman, Fred Morgan, Murphy, Neel, Osting, Quals, Rayburn, Render, Roberts, Robinson, A. C. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Treas, Tucker, Wathen, G. T. White. Nays 16—Dean, Denham, Dowell, Ellis, Haley, Hardin, Hislope, Irick, Lankford, C. H. Martin, Moloney, Luther F. Morgan, Peniston, Slusher, Tanner and John E. White. The Previous Question on **HB 98** was rejected.

On the roll call, the vote was yeas 47—Bates, Buckman, Burress, C. C. Carter, Castle, Cole, Paul Cornett, Cottengim, Davis, Dexter, Edmunds, Faulkner, Fern, Fitzpatrick, Hahn, Hall, Hampton, Hardin, Harris, Hays, Hinkle, Hopkins, Isler, Lankford, Lyon, Ben Martin, Miles, Moorman, Fred Morgan, Murphy, Neel, Osborn, Qualls, Rayburn, Render, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Treas, Tucker, G. T. White. Nays 19—Baumgardner, Brizendine, Childress, Dean, Denham, Dowell, Ellis, Garner, Haley, Hill, Houtchens, C. H. Martin, Moloney, Peniston, Quinn, Ray, Steiger, John E. White, Colley. **HB 98** was passed, and the title agreed to.

HB 181 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Agreed.

On the roll call, the vote was yeas 78—Alexander, Barton, Bates, Baumgardner, Brizendine, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Garner, Hahn, Haley, Hardin, Harris, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 3—Hall, Wathen, Young. **HB 181** was passed and the title agreed to.

HB 156 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Young moved to amend **HB 156** as follows: "Amend printed copy of **HB 156** excluding "fire arms and firecrackers". Rejected. Representative Ray moved the Previous Question on **HB 156.** Agreed.

On the roll call, the vote was yeas 12—Alexander, Colley, Hardin, Henry, Hill, Lyon, C. H. Martin, Moloney, Parrish, Slusher, Tanner, Young. Nays 61—Bates, Baumgardner, Brizendine, Buckman, Burress, Charles C. Carter, Castle, Caudill, Childress, Chumbler, Cook, Cornett, Cowherd, Crecelius, Davis, Dean, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fitzpatrick, Garner, Haley, Hampton, Houtchens, Irick, Isler, Lankford, Martin (Ben), Miles, Miller, Moorman, L. F. Morgan, Murphy, Neel, Osting, Peniston, Qualls, Quinn, Rausch, Rayburn, Render, Roberts, Robinson, Albert C. Smith, J. D. Smith, Virgil Smith, Spurrier, Steiger, Stidham, Stacy, Summe, Treas, Tucker, Glen T. White, John E. White, Wood. **HB 156** was rejected.

Representative Henry moved to recommit **HB 156.** Rejected.

Introduction of Bills and Resolutions

HB 281, by Representative Ellis: AN ACT relating to damages upon affirmance of a judgment by the Court of Appeals of Kentucky.

HB 282, by Representative Tucker: AN ACT relating to pharmacy.

HB 283, by Representative Colley: AN ACT relating to robbery or larceny of television equipment.

HB 284, by Representative Irick: AN ACT relating to taxicabs.

HB 285, by Representatives Buckman and Bates: AN ACT relating to the education of children whose father is a permanently and totally disabled war veteran.

HB 286, by Representatives Clark, Hays, Edmunds, Crecelius, Osborn and Carter: AN ACT relating to armed robbery.

HB 287, by Representative Cottengim: AN ACT relating to city classification.

HB 288, by Representative Barton: AN ACT relating to historical automobile.

HB 289, by Representatives Reynolds and Martin: AN ACT relating to airports.

HB 290, by Representative Haley: AN ACT relating to tobacco warehouses.

HB 291, by Representative Fred Morgan: AN ACT relating to closing of public offices.

HB 292, by Representatives Reynolds and C. H. Martin: AN ACT relating to county buildings and the financing thereof.

HB 293, by Representative Harris: AN ACT relating to local option dry territory.

HR 59, by Representatives Hahn, Young, Hampton, G. T. White, Render, Hopkins, Brizendine, Tanner, Edmunds, Tucker and Robinson: A JOINT RESOLUTION directing the Department of Conservation to establish Rocky Creek State Park.

HR 60, by Representatives Hislope, Harris, Barton, Castle, Clark, Hays, John E. White, Wood, Cornett, Hardwick, Faulkner, Caudill, Burress and Hall: A CONCURRENT RESOLUTION memorializing the Senators and Representatives of the Congress of the United States from the Commonwealth to seek enaction of legislation prohibiting the advertisement of alcoholic beverages in media distributed in interstate commerce.

The Speaker vacated the Chair, and Representative Lyon presided.

The Speaker resumed the Chair.

The Speaker moved to adjourn until 12:00 Noon, February 17. Agreed.

THIRTY-FIFTH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 17, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church.

The roll was called. All present except Representatives Caudill, Childress, Cook, Hahn, C. H. Martin, A. C. Smith and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 16 dispensed with and the same approved on motion of Representative Isler.

HR 61, by Representative Ray:

HR 61, A RESOLUTION authorizing appointment of a Committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the

Senate, wait upon the Governor and inform him that the General Assembly is to receive any communications he may desire to deliver.

Representative Ray moved to adopt **HR 61.** Agreed.

The Speaker appointed the following committee pursuant to **HR 61:** Brizendine, Tanner, C. H. Martin, Cole, and Hardwick.

Representative Ray moved to go into Joint Session. Agreed.

Joint Session

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House and the Honorable Wilson W. Wyatt, Lieutenant-Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church.

Representative Ray moved that the roll call of the Joint Session be dispensed with. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Bert T. Combs, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

Governor Wyatt, Mister Speaker, Honorable Members of the Assembly, Distinguished Officials, Ladies and Gentlemen:

It is my gratifying privilege today to present for your consideration a budget for the operation of Kentucky's government for the coming two years. Some of you, I know, have awaited this budget with impatience. So, to tell the truth, have I. Indeed, in a very real sense, this is the budget which Kentucky has needed for the past half century. Today, with this budget, Kentucky leaves her old depressing place at the bottom of the ladder. As of today Kentucky will go forward.

This, of course, is not solely my budget. Your courage in enacting tax legislation, your wisdom in keeping expenditures within bounds have made this budget possible. I am fully aware that you have been under tremendous pressures during recent weeks. The nature of these pressures and the sources from which they came have made your conduct all the more admirable. I am confident that you will bring to your consideration of this budget the same wisdom, courage and determination.

Since you will consider each item of this budget, I will not impose upon you today a detailed discussion of all it contains. Instead I would like to review with you the highlights, with special attention to those activities for which I propose new or greatly increased appropriations. It is proper, I think, that we should start with education, for it is here that we make one of our greatest and most satisfying steps forward.

During our campaign Mr. Wyatt and I promised an immediate and substantial increase in teachers' salaries. This budget will mean raises of $900 this year and an additional $200 more next year for most teachers with college degrees and somewhat smaller increases for other teachers. It provides an increase of $5,600,000 during the next two years to put the teachers' retirement system fund in sound financial shape and to give retired teachers with 30 years of service a minimum $1,200 a year.

As you know, I have proposed a central school building authority to help finance classroom building programs. As a second part of this program to correct the classroom shortage, the budget contains funds to increase the present capital outlay from $400 to $600 per classroom unit. It also includes an increase each year of $900,000 for transportation and an additional $3 million which will finance fully a free textbook program for the first eight grades, and the beginning of a similar program for high school.

The fields of higher education have not been neglected. The University and the State Colleges this year enrolled 17,962 students. This number will grow to 21,850 by 1962. This means that we must employ an additional 160 professors, keep those we have and provide housing and classrooms for 4,000 new students within the next two years. To accomplish these purposes I propose an increase of $16,000,000 in general fund appropriations to grant pay raises, to employ new professors and with capital construction funds, to finance the following:

At the University of Kentucky a $6,000,000 Science Building, a $2,000,000 expansion of the Library, and a $1,500,000 Commerce Building. A number of dormitories will be added, the Student Union Building will be enlarged and the utilities system will be renovated. Eastern will receive a maintenance building and a new training school. Western will receive a new science building. Morehead will get a new classroom building and a maintenance building, and Murray and Kentucky State will receive new classroom buildings. New dormitories are planned at all of these colleges.

To take advantage of special educational facilities of the Southern Regional Education Board, I recommend five scholarships in Public Health, four for teachers of the handicapped, and 20 scholarships in Forestry.

At a later date I will ask you to make the Kentucky School for the Deaf a part of the Department of Education, with its own independent Advisory Board. I recommend an increase of $192,000 in the school budget to raise the salaries of teachers and to finance a major improvement of the school's plant.

I propose that funds for the Library Extension Service be increased by $522,000. Many of the bookmobiles donated by private sources are wearing out, and $180,000 will be needed to replace them. Another $40,000 is needed for the purchase of new books. Grants to local libraries are increased from $50,000 to $100,000 under this budget, and funds are included to develop two new regional libraries each year.

This program of growth, expansion, modernization and improvement is one we have long waited for, and I am confident it will meet your approval.

Next, I would like to outline our program for bringing modern highways to Kentucky. The budget provides $139,825,000 for the road program during the next two years. With this amount, and through good management and our program of economy, we can continue and expand Kentucky's present highway program. We are determined to give Kentucky more roads for each dollar than ever before. We have $30,000,000 of road bonds which have not been sold. If they cannot be sold other sources of financing must be found and will be submitted to you in due course.

I should also mention that we are making progress on the Eastern Kentucky turnpike and hope to have it well under way before this biennium is over. It is our hope that we will soon complete plans for a similar project in Western Kentucky, and perhaps one additional one in another section of the state.

For the Department of Economic Security I am recommending $38,900,000, an increase of $9,167,000 over the current budget. $1,636,000 of this will be used to begin a program of medical aid to the indigent, and about $5,400,000 to increase public assistance payments. To offset possibly regressive effects of the sales tax on low income groups, let me point out that the $2,700,000 that we are adding to public assistance each year will bring an additional $5,000,000 in federal funds. The total amount of benefits to these people will be more than $63,500,000 a year, and if those who receive it spend it all and pay the maximum sales tax on it, they will pay around $2,000,000. Compare this with the increase of $7,700,000 that they will be getting each year as a result of the sales tax.

While on this subject, you will note that the budget makes no specific appropriation for financing the bonus. This is because it is impossible to say how much the bonus is going to cost, and I am asking that the budget act appropriate only the "amount necessary." The bonus legislation carries an appropriation of $1,000,000 for administration of the act, and I am told it can be administered for that amount. If it does, Kentucky will be setting a record for economical administration.

The proposed budget for the Department of Health is $2,527,000 greater than at present. Most of this will go toward raising the level of our county health program from 45% to 75% of the standards set by the American Public Health Association. Most important, it will provide the services of a health officer to 36 counties which presently do not have such services. An increase of $1,820,000 is recommended for operating funds for the Tuberculosis Hospital Commission. These funds will permit the Commission to continue present programs and to transfer patients in the Waverly Hills Hospital to the State Hospital in Louisville and will provide funds for patients already transferred from the sanitorium in Lexington to the State Hospital in Paris.

I am recommending an increase of $3,397,000 for the Department of Mental Health. This will raise the average daily expenditure per patient from $3.63 to $4.30, and raise the patient diet expenditure from 52 to 68 cents a day. It will make possible an increase in the out-patient and follow-up programs, and will establish units to help patients in the transition from hospital to society. The budget will make possible construction at Central State Hospital of a 204 bed Admission and Treatment building, a 66 bed maximum security unit and a 50 bed children's unit. It will also add a new storage and refrigeration building.

Because alcoholism is becoming one of our major social problems, I am recommending an increase of $39,000 in the budget of the Kentucky Commission on Alcoholism.

As a result of cutbacks in federal programs and private funds, we have 378 new patients who must be cared for by the Kentucky Commission for Handicapped Children, which was formerly the Kentucky Crippled Children's Commission. To provide for these children and to clear the Commission's waiting list, the Commission's budget has been increased by $925,000.

As we enter a new industrial age in Kentucky, we must not neglect health problems arising from technological progress. Because of insufficient funds, the Department of Health has not been able to comply fully with the law requiring periodic inspection of water supplies. These funds are included in this budget, as are funds for a Division of Radiological Health and for expanded programs of air pollution control, industrial health services and TB control.

The budget for the Department of Welfare shows an increase of almost $1,000,000 for improved maintenance and expansion of staff at the Kentucky Training Home, Kentucky Children's Home and the State Reception Center. I also recommend that teachers' salaries at these institutions be raised in line with those of public school teachers.

As we build a greater Kentucky, we must not forget the importance of agriculture to our economy. Therefore, I recommend $1,000,000 for construction of an Agricultural Research Center at the University of Kentucky and $350,000 to repair, replace and construct facilities on the University's farm. For the Department of Agriculture, I propose an increase of $447,000. This will enable the Commissioner to expand needed services to Kentucky's farm people.

Thirty counties have now been certified as free of brucellosis, one of the greatest threats to our dairy industry. The budget will make it possible for the entire state to be certified as free of brucellosis by 1963. An additional $50,000 has been included to combat mosquitoes in Western Kentucky. Other funds are included to increase support of the State Fair and Exposition Center, which is proving a tremendous asset to agriculture and to the state in general.

The growing competition for new industry demands that we make an increased effort. Therefore, the budget for the Department of Economic Development has been increased by $635,000 to provide for a new Division of Industrial Development, an urban development program and an industrial research fund. The Department of Public Relations has been reorganized to include divisions of tourist and industrial promotion.

Because Kentucky's forests represent one of her great resources I am recommending an increase of nearly $1,000,000 in the budget of the Division of Forestry. This will enable the Division to extend fire protection to 20 additional counties each year, which means that by the end of this biennium 9,886,000 acres of timberland in 90 counties will be protected. Funds are also provided to give greater assistance to the more than 200,000 timberland owners in Kentucky, to improve state forests, expand the small watershed program, operate the East Kentucky Tree Nursery and improve the pest control program.

Increased appropriations are recommended to permit the Division of Soil and Water Resources to broaden services to all of the 121 Soil Conservation Districts. An additional $200,000 is included for the equipment revolving fund, from which low interest loans are made to Soil Conservation Districts for waterways and farm reservoirs. Funds are also recommended to continue for another year the services of a small watershed planning committee so that we may take advantage of federal grants for watersheds as they become available.

Later in this session I shall ask your permission to reorganize the Division of Parks into a separate department. I will have more to say about our parks program at that time. The budget includes a half million dollars each year for creation of small lakes and parks and $134,500 to match 2-year expenditures by the State of Virginia for the Breaks Interstate Park.

You have before you a bill which combines the functions of the Personnel Department with that of the Merit System. This budget provides for the operation of the reorganized department which will bring for the first time statutory merit system coverage to all departments.

Most of the $350,000 increase recommended for the Department of Military Affairs will be used to repair armories and to meet the costs incurred in bringing 400 technicians of the Department into the State Retirement System.

The budget includes $500,000 each year for airport development and greater services for industrial promotion.

The increased appropriation for the Department of Public Safety will provide additional troopers and funds for equipment to handle the increased work load resulting from the central issuance of drivers' licenses. The accident control program will also be expanded to include a training program for operators of state equipment.

Increased funds for the office of Attorney General will enable him to expand his legal staff to handle many legal matters previously handled by contract attorneys. This, I am confident, will result in savings greater than the increased appropriation.

Most of the increase in the budget for the Finance Department is a result of its taking over the operation of the Health Building, the

State Police Training Building, and the Training Home heating plant. The Department has been given responsibility for reorganizing the State Farm System and funds have been included for this purpose.

To supply information which is needed to determine insurance rates and to furnish information to Congressional Committees, I recommend funds to establish a Data Section in the Department of Insurance.

I am recommending an increase of $29,000 to enable the Kentucky Historical Society to catalog its museum pieces and to establish a revolving fund to encourage publication of Kentucky historical material. $30,400 is recommended for a Records and Archives program which will enable us to begin microfilming departmental records.

While recommending these increased expenditures, it is my pleasure to report on two departments for which we will spend less money. In 1959-60, it cost $79,600 to administer the Board of Claims. The new budget for the Department of Industrial Relations includes only $5,000 for the reorganized Board.

The budget for the Department of Motor Transportation, as a result of internal reorganization and reduction in the Department's field forces, has been reduced by $66,000.

In all, it is estimated that the general fund revenues will total $212 million for 1960-61, and $221 million for 1961-62. General fund expenditures, as outlined here, will total $200,882,144 for 1960-61 and $213,016,584 for 1961-62. We should have available a surplus of about $3 million at the beginning of this biennium.

So, unless bonus costs exceed current estimates, expenditures recommended here are within the revenues expected. Let me say that I am sincerely happy and grateful to be able to present to you a budget that meets so many of Kentucky's old and heavy needs, a budget made possible by your cooperation. I deeply believe that this is a day Kentucky will have reason to applaud. With this budget and the program of improvement and progress that it makes possible, Kentucky makes a drastic break with the depressing patterns of the past, and embarks on a new and better day.

The hopes, the trust, the welfare and future of generations of Kentuckians rest with us here today. Keeping our duty uppermost in mind and trusting in the help of Almighty God, let us herewith dedicate ourselves to this great task.

Representative Ray moved that the Joint Session of the General Assembly do now dissolve. Agreed.

The Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Ray moved that **HB 244** be recommitted and retain its three readings. Agreed.

Representative Ray moved to recess for 45 minutes. Agreed.

At the appointed hour, Representative Fitzpatrick assumed the Chair.

Representative Young moved that the Speaker appoint a Committee to determine the status of **HB 122.** Agreed.

The Speaker appointed the following committee: Representatives Hardin, Young and Wathen.

HR 62, by Representative Neel:

Representative Neel moved to adopt **HR 62.** Agreed.

HR 62, A CONCURRENT RESOLUTION taking notice of the sesqui-centennial observance of the City of Henderson.

WHEREAS, Richard Henderson and others, composing the partnership known as Richard Henderson and Company, and also as the Transylvania Company, did on January 6, 1775 purchase from the Cherokee Nation of Indians 200,000 acres of land on the south side of the Ohio River confluent with Green River, which purchase was later set aside by the General Assembly of the Commonwealth of Virginia, but was later patented to the said Richard Henderson and Company due to the energy and resources expended by the Company in affecting said purchase, and

WHEREAS, a portion of this purchase now embraces the northern portion of Henderson County, Henderson County having been severed from Christian County in 1798, and

WHEREAS, a community was formed in Henderson County, on the Ohio River just below the mouth of Green River, then known as Red Banks, which community grew and prospered through the brave and energetic activities of its citizens and became a city re-named Henderson, and

WHEREAS, in 1810 the City of Henderson was incorporated by the Legislature of the Commonwealth of Kentucky and has continued to grow and prosper for the last 150 years and during the year 1960, beginning on February 6th, the City of Henderson is celebrating and commemorating its sesqui-centennial as an incorporated city, and

WHEREAS, the County of Henderson is one of the leading oil producing counties of Kentucky, and its citizens produce a vast amount of tobacco, corn and soybeans. The City of Henderson is served by two railroads, the Louisville and Nashville and the Illinois Central. It is located on three major highways, U.S. 41, U.S. 60 and U.S. 641. The present population is in excess of 20,000 home loving people. Its manufacturing interests are many and varied, many of its streets are 100 feet wide, and

WHEREAS, Henderson and Henderson County have given much to the Commonwealth of Kentucky. John James Audubon located in Henderson in 1807, and lived there for several years. Henderson and Henderson County have given the Commonwealth the following Governors: Lazarus W. Powell; John Young Brown; A. O. Stanley; and Albert B. Chandler. Henderson has contributed many of its citizens to places of trust in the nation, and it is truly a city of culture and refinement.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonmonwealth of Kentucky, the Senate concurring therein:

That it take notice of the sesqui-centennial observance of the City of Henderson and that the citizens of the Commonwealth of Kentucky be made aware of Henderson's celebration and that a copy of this resolution be spread upon the records of this General Assembly.

Senate Message

Announcing Passage of **SB 24.**

Report of Committees

Committee on Judiciary and Judicial Council reported **HB 96, HB 162, HB 160** and **HB 88** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 96, AN ACT relating to private corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 271.025 of the Kentucky Revised Statutes is amended to read as follows:

Any natural person or persons of the age of twenty-one years or more, or any corporation, may form a corporation for any lawful purpose, and may own and hold all or any number of the shares of stock of any corporation organized under the provisions of KRS Chapter 271.

Section 2. Section 271.055 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation in triplicate originals shall be acknowledged by at least three of the incorporators before an officer authorized by the laws of this state to take acknowledgments, unless there are less than three incorporators, in which case all incorporators shall acknowledge, and the triplicate originals shall be delivered to the Secretary of State. If he finds that the articles of incorporation have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as required by law, record one original in his office, and issue a certificate of incorporation. There shall be paid to the Secretary of State a fee of $3.00 for recording the articles, and a fee of $1.00 for issung a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, endorsed with the fact and time of recording in the office of the Secretary of State, shall be returned to the incorporator or incorporators or their representative. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporaton. The clerk of the county court shall be paid a fee of $3.00 for recording said articles.

(3) No foreign corporation, except a foreign insurance company, shall be authorized to do business in this state until it has filed a certified copy of its articles of incorporation and all existing amendments in the office of the Secretary of State. It shall thereafter file a

certified copy of subsequent amendments to its articles in the office of the Secretary of State. Such corporations shall pay to the Secretary of State an original filing fee of $25.00 and a recording fee of $10.00 for recording the articles of incorporaton and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments.

(4) A copy of any articles of incorporaton and all amendments thereto of both domestic and foreign corporations as recorded in the office of the Secretary of State, under the certificate and seal of that office, shall be accepted as evidence in any court for any purpose in any action in which the original could be used. For furnishing a certified copy of the record to any party, the Secretary of State shall charge the same fee to be charged for the recordation of that instrument.

HB 162, AN ACT relating to the terms of court in the Nineteenth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (19) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(19) (a) Nineteenth District: Bracken County, at Brooksville, on the first Monday in March, the first Monday in July, and the first Monday in November, eighteen juridical days each;

(b) Fleming County, at Flemingsburg, on the first Monday in February, the first Monday in June, and the first Monday in October, eighteen juridical days each;

(c) Mason County, at Maysville, on the first Monday in January, the first Monday in May, and the first Monday in September, twenty-four juridical days each.

Section 2. WHEREAS, the next term of Court in Mason County commences on the fourth Monday in March, an emergency is declared to exist and this Act shall become effective May 1, 1960.

HB 160, AN ACT relating to the terms of court in the twenty-third judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (23) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(23) Twenty-Third District. Estill County, at Irvine, on the first Monday in February, the fourth Monday in May, and the fourth Monday in September, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in February, the third Monday in June, and the second Monday in November, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in March, the second Monday in July, and the first Monday in December, twelve juridical days each.

HB 88, AN ACT relating to the terms of court in the forty-sixth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (46) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(46) Forty-sixth District. Grayson County, at Leitchfield, on the first Monday in January, the first Monday in April, and the fourth Monday in August, twenty-four juridical days each.

Meade County, at Brandenburg, on the first Monday in February, the first Monday in May, and the first Monday in October, twenty-four juridical days each.

Breckinridge County, at Hardinsburg, on the first Monday in March, the first Monday in June, and the first Monday in November, twenty-four juridical days each.

Committee on Judiciary and Judicial Council reported **HB 220** and **HB 183** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 220, AN ACT relating to county judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) For services rendered in civil matters in quarterly courts, county judges may collect the same fees allowed by KRS 64.240 to police judges and justices for similar services in civil matters.

(2) For settling accounts of fiduciaries the fee of the county judge may be one-tenth percent of the first twenty-five thousand dollars and one-twentieth percent of the amount in excess of twenty-five thousand dollars of the gross estate. In no case shall the fee be less than five dollars or more than two hundred dollars.

(3) For conducting hearings on applications for fiduciaries and for processing applications of fiduciaries, the county judge will be paid a fee of five dollars.

(4) The minimum salary payable to a county judge shall be $3,600.00 per year.

HB 183, AN ACT relating to the terms of court in the forty-fifth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (45) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(45) Forty-fifth District.

McLean County, at Calhoun, on the second Monday in February, the second Monday in June, and the second Monday in October, eighteen juridical days each.

Muhlenberg County, at Greenville, on the second Monday in January, the second Monday in March, the second Monday in May, the second Monday in September and the second Monday in November, eighteen juridical days each.

Committee on Kentucky Statutes #1 reported **HB 103** with the expression of opinion that the same should pass.

HB 103, AN ACT relating to insurance on school children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Each board of education shall set aside funds to provide for blanket disability insurance as defined in KRS 304.765, which covers school children who ride a school bus in the ordinary course of operation of the school system.

(2) The blanket disability insurance policy shall provide for the payment of five thousand dollars because of the death of any child who is a member of the group, and for the payment of up to five thousand dollars because of bodily injury to and or hospitalization of any child who is a member of the group.

(3) Such policy shall be issued by an insurance company authorized to transact business in this state, and the policy meet all the requirements of KRS chapter 304.

Committee on Kentucky Statutes #1 reported **HB 231** without expression of opinion.

Committee on Elections reported **HB 233** with the expression of opinion that the same should not pass.

Committee on Criminal Law reported **HB 153, HB 146, HB 155** and **HB 172** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 153, AN ACT relating to appeals from inferior courts to the circuit courts and amending Section 362 of the Code of Practice in Criminal Cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 362 of the Criminal Code of Practice is amended to read as follows:

(1) If a judgment against a defendant on a trial before a county judge, or in a justice's court, or in a city or police court, unless otherwise provided in the statutes creating or regulating it, be for imprisonment or for a fine of twenty dollars or more, he shall have the right of appeal to the circuit court of the county in which the judgment is rendered.

(2) An appeal shall lie from the Juvenile session of the County Court to the Circuit Court from all orders and judgments whereby any infant, or other person, shall be restrained of his liberty, or placed in the custody of any institution, or fined, or punished, in any manner, whether in a criminal or quasi-criminal, Civil, or other proceedings, and said appeal shall be prosecuted in the manner provided by law, except that the transcript when filed in the office of the Clerk of the Circuit Court shall be accompanied by a motion for an appeal, supported by an affidavit of merits, signed by the appellant, or if he be an infant, by his parent or guardian, or if such infant have no parent or guardian, then by his next friend, which affidavit shall state the nature of the controversy involved; that is to say, whether one of law or fact, and if one of fact, the nature and extent of the facts in controversy, so as to enable the Circuit Court or the presiding judge thereof to determine whether an appeal shall be allowed or denied.

(3) It is further provided that an appeal may be taken to the Circuit Court from the judgment of any of the courts herein set out, where the judgment requires the execution of any bond, with or without surety, for keeping the peace for any period of time.

HB 146, AN ACT relating to juveniles who are accused of crime.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 208.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen years of age or older, or was less than sixteen years of age but the offense was murder, rape, kidnaping, armed robbery, or malicious shooting with or without wounding with intent to kill, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

HB 155, AN ACT relating to procedure in cases of violation of motor vehicle laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The clerk of any court, or the judge of any court which has no clerk when acting as the clerk of the court, having jurisdiction over offenses committed under motor vehicle laws shall report upon a form furnished by the Department of Public Safety the conviction, pleas or forfeiture of bond arising under motor vehicle laws within twenty days.

(2) The court shall take up the motor vehicle operator's license certificate of a person convicted of any offense for which mandatory revocation is provided by KRS 186.560 and shall hold the same for a period of fifteen days. If an appeal is not taken within the period of fifteen days from the date of conviction, the court shall before the expiration of the next five days forward the certificate to the department with the report covering the conviction. If an appeal is taken to the circuit court within fifteen days from the date of conviction, upon the service of the summons on appeal and a copy of the supersedeas being delivered to the clerk or the judge of the court, the operator's license of the appellant shall immediately be returned to the appellant or his attorney, and said operator's license shall be valid pending the appeal.

HB 172, AN ACT relating to the offense of petit larceny.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.230 of the Kentucky Revised Statutes is amended to read as follows:

Except where a different penalty is prescribed by law with respect to specific kinds of property, any person guilty of the larceny of money or other property of less value than twenty dollars shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than one month nor more than twelve months, or both so fined and imprisoned.

Committee on Judiciary and Judicial Council reported **HB 126** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 126, AN ACT relating to compensating court appointed attorneys in felony cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In prosecutions for felony offenses, when the court has appointed an attorney to protect the rights of the defendant in such a prosecution, the appointed attorney shall be paid for his services not exceeding fifty dollars for each case. The court, in its discretion, shall determine the exact amount to which the attorney shall be entitled.

Section 2. Section 142.011 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax of five dollars hereby is levided on each original action in the circuit court, commencing with or without original process; on

each original action in other courts when the amount in controversy, exclusive of interest and costs, exceeds fifty dollars; on each appeal to the circuit or quarterly court; on each traverse of forcible entry or detainer; and on each proceeding to revive a judgment. A tax of five dollars hereby is levied on each appeal to the Court of Appeals.

(2) The revenue derived from the taxes imposed by this section shall be paid into the State Treasury and credited to the General Expenditure Fund, for general state purposes.

Committee on Motor Transportation reported **HB 229** with the expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 229, AN ACT relating to instruction permits for motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A high school student who has reached his fifteenth birthday and who except for his age and lack of instruction in operating a motor vehicle would otherwise be qualified to obtain an operator's license, may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence. The permit holder shall have this permit in his possession and be accompanied by a qualified driver training instructor occupying the seat beside the operator at all times while operating a motor vehicle upon the highway.

Committee on Motor Transportation reported **HB 223** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 223, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or a church bus for the transportation of children to or from church, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

Section 2. Section 189.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any school bus or church bus used in the transportation of children is stopped upon a highway for the purpose of receiving or discharging passengers, the operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the bus has completed receiving or discharging passengers and has been put into motion.

(2) Subsection (1) shall be applicable only in the event the bus

bears on the front and rear a plainly visible sign containing the words "School Bus" or "Church Bus," whichever is appropriate, in letters not less than six inches in height, which can be covered when the vehicle is not in use as a school or church bus.

Section 3. Section 189.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and only after a clearly audible signal has been given by sounding the horn if any pedestrian shall be affected by the movement. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(2) A signal of the intenton to turn right or left shall be given continuously for not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the operator of any vehicle immediately in the rear when there is opportunity to give such signal.

(4) All signals required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or a mechanical signal device, except that the operator of a motor vehicle used for the transportation of persons for hire with taxicabs excluded, the operator of a school or church bus, and the operator of any vehicle so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle shall indicate an intention to turn by use of a signal lamp or lamps or mechanical signal device and must indicate an intention to stop or suddenly decrease speed by illuminating at least one red or yellow light with the word "Stop" on it on the rear of the vehicle.

(5) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left turn — hand and arm extended horizontally;

(b) Right turn — hand and arm extended upward;

(c) Stop or decrease speed — hand and arm extended downward.

Section 4. Section 189.550 of the Kentucky Revised Statutes is amended to read as follows:

Operators of motor vehicles transporting children to or from school or church shall stop their motor vehicles before crossing over any steam or electric interurban railroad main tracks at a grade. The stop shall be made at not less than ten feet nor more than thirty feet from the nearest railroad over which the highway crosses, except where the crossing is protected by gates or a flagman employed by the railroad. After making the stop, the operator shall carefully look in each direction for approaching cars or trains and shall not start his vehicle until it is ascertained that no cars or trains are approaching in either direction.

Committee on Motor Transportation reported **HB 19** Substitute with the expression of opinion that the same should pass with committee substitute. Read at length for the first time and ordered placed in the Calendar.

Committee substitute for **HB 19,** AN ACT relating to hydraulic brake fluid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "hydraulic brake fluid" as used in this Act shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

Section 2. Every hydraulic brake fluid that shall be sold, offered for sale, or used for service in any vehicle shall conform to the standards and specifications of the Society of Automotive Engineers applicable to such fluid.

Section 3. The Department of Public Safety shall adopt and enforce regulations and standards which shall be compatible with the standards and specifications of the Society of Automotive Engineers, so far as practicable.

Section 4. Every manufacturer of any hydraulic brake fluid sold, offered for sale, or used for service in any vehicle shall submit to the Department for approval a laboratory analysis report for each product produced, sold, or used in Kentucky. The analysis shall be conducted by an independent and qualified testing laboratory and shall verify that each product meets the minimum standards of heavy duty type hydraulic brake fluid specifications, designated as S. A. E. 70-R-1.

(a) Any alteration or adulteration made to any approved hydraulic brake fluid by the manufacturer, dealer, or seller shall be reported to the Department. An approval from the Department shall be obtained before any such product shall be sold, offered for sale, or used for service in this state.

(b) Every can, bottle, or other type of container used for the containing of hydraulic brake fluid shall be labeled to specify the composition of the contents. Such specifications shall denote conformity of the contents with the minimum standards of heavy duty type hydraulic brake fluid specifications, designated as S. A. E. 70-R-1.

Section 5. The Department shall approve the laboratory analysis report as to its conformity with the standards required by this Act, and no hydraulic brake fluid shall be sold in this state after September 1, 1960, unless such approval has been granted.

Section 6. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor more than five hundred dollars.

Committee on Motor Transportation reported **HB 211** and **HB**

284 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 211, AN ACT relating to motor transportation, amending Section 281.645 of the Kentucky Revised Statutes, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.645 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any application for a certificate or permit, or for an amendment thereto has been heard and denied by the Department, or approved by the department and the final order of the department later set aside by a Court of competent jurisdiction, the department shall not accept another application concerning the same or similar routes or service until the expiration of six months from the date of the original final order of the department, unless the denial was based upon the applicant's failing to show that he was fit, willing and able.

(2) In the event that at the time of denial, unless the denial was based upon the applicant's failing to show that he was fit, willing and able, there is on file with the department any other application concerning the same or similar routes or service as that denied, the department shall take no further action upon such application for a period of six months from the date of denial unless the hearing relative to such application has been concluded prior to the denial.

(3) In no event shall the provisions of subsections (1) and (2) hereof is construed to apply to any application which the commissioner has by order dismissed without prejudice.

HB 284, AN ACT relating to taxicabs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No motor vehicle operated as a taxicab shall be equipped with any lights, flashing lights or sirens, nor bear any signs or legends, which are similar to those used on police or other emergency vehicles. Nothing in this Act shall be construed to prevent the use of distinctive lights, markers or signs on taxicabs which are dissimilar to those used on police or other emergency vehicles.

Section 2. Any person who owns or operates a vehicle equipped in violation of this Act shall be fined not less than ten dollars or more than one hundred dollars.

Committee on Legislative Affairs reported **HB 159** and **HB 133** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 159, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 7.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Lieutenant Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, the majority and minority Floor Leaders of the Senate and House of Representatives, and the majority and minority Caucus Chairmen of the Senate and House of Representatives. Any vacancy in the commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The Lieutenant Governor shall be ex officio chairman of the commission.

HB 133, AN ACT relating to automobile racing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting legislation relating to automobile racing, it is the intention of the General Assembly to reduce automobile accidents, provide supervised racing facilities, and promote the health, safety, and general welfare of the people of the Commonwealth.

Section 2. The Department of Conservation is authorized and empowered to:

(1) Construct, finance, maintain, and operate drag strips and drag strip racing facilities in any or all state parks of the Commonwealth;

(2) Make any and all necessary or proper improvements to carry on a program of development and extension of facilities designed to accomplish the purposes of this act.

Section 3. To defray the cost of constructing, maintaining, and operating drag strips and drag strip racing facilities at state parks, the Department of Conservation is authorized to charge and collect a reasonable fee for admission to and participation in the racing events.

Section 4. Any person who is convicted of violating KRS 189.505, subsection (2) of KRS 189.520, or KRS 189.530 shall be ineligible to compete or participate in any racing events authorized by or conducted under the provisions of this act.

Section 5. The Department of Conservation in consultation with the Department of Public Safety shall adopt and enforce rules and regulations relating to the design and operation of all vehicles on racing strips created under the provisions of this act.

Section 6. All money collected under the provisions of this act shall be paid to the State Treasurer and by him placed in a revolving fund to be used by the Department of Conservation in carrying out the purposes and provisions of this act.

Section 7. To carry out the purposes of this act, there is appropriated to the Department of Conservation out of the General Expenditure Funds in the State Treasury the sum of seventy-five thousand dollars for the 1960-61 fiscal year and the sum of one hundred and seventy-five thousand dollars for the 1961-62 fiscal year. Any unexpended balance in this fund shall not lapse at any time, but shall be continuously available to the department for the purposes set out in this act.

Committee on Agriculture reported **HB 247** and **HB 290** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 247, AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 261.230 of the Kentucky Revised Statutes is amended to read as follows:

(2) The owner or operator of each stockyard shall pay on or before July 1 of each year a license fee of twenty-five dollars plus ten dollars for each scale operated in excess of one.

Section 2. Section 261.310 of the Kentucky Revised Statutes is repealed.

HB 290, AN ACT relating to tobacco warehouses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 248.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall operate a tobacco warehouse without first having obtained an annual license from the Department of Agriculture, Labor and Statistics.

(2) Each warehouse shall pay to the department an annual license fee of twenty-five dollars. A license fee shall be paid on each warehouse building operated as a place of sale for tobacco, regardless of the number of such buildings owned by any individual, corporation, firm or other type of management organization. It shall be paid on July 1 of each year.

(3) The amount of the license fees collected by the department shall be paid into the State Treasury to the credit of a revolving account to be used in the administration of this section.

Section 2. (1) The Department may suspend or revoke the license of any warehouseman convicted by a court of competent jurisdiction for wilfully mis-weighing any tobacco, and may refuse to grant a license to any warehouseman so convicted.

(2) Any warehouseman whose license has been suspended or revoked, or whose application for a license has been refused, as herein provided, may appeal to the Board of Agriculture, which Board, after hearing, may affirm, reverse or modify the order appealed from. The order of the Board may be appealed to the Franklin Circuit Court as provided in Section 11 of this Act.

Section 3. Section 248.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department shall administer KRS 248.290 to 248.450

and shall have general supervision over the sale of tobacco in warehouses throughout the state.

(2) The Commissioner shall employ such inspectors and other employes as are necessary for the enforcement of KRS 248.290 to 248.450 and fix the duties and compensation of such employes.

Section 4. Section 248.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) All warehousemen shall submit to the Department a list of names of all weighmen employed, and shall post with the Department a bond in the amount of one thousand dollars for each weighman listed, with surety approved by the Department, conditioned on the faithful performance of his duty.

(2) Whenever an allegation is made that any bonded weighman has wilfully misrepresented the weight of any tobacco weighed by him, the Department shall order a hearing thereon. If, after hearing, it is determined that the weighman has wilfully misrepresented the weight of any tobacco weighed by him, his bond shall be forfeited and the proceeds thereof paid into the State Treasury. Any order of forfeiture may be appealed within twenty days to the Board of Agriculture, which after hearing may affirm or set aside such order. The order of the Board may be appealed to the Franklin Circuit Court as hereinafter provided.

(3) No person other than a bonded weighman shall be permitted to weigh tobacco for the purpose of sale at any tobacco warehouse.

(4) All tobacco placed on any warehouse floor for the purpose of sale shall be weighed by a bonded weighman. If any such tobacco is placed on the floor earlier than the fifteenth day prior to the opening date of sales for that season, it shall be weighed or re-weighed by a bonded weighman on or after said fifteenth day and such weighing or re-weighing shall constitute the official weighing for the purpose of this Chapter.

Section 5. Section 248.420 of the Kentucky Revised Statutes is amended to read as follows:

No warehouseman shall attempt by any means to influence a weighman to report falsely the weight of any tobacco sold on the floor of his warehouse.

Section 6. Section 248.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who receives or undertakes to receive or take care of leaf tobacco for sale at public auction, whether with or without compensation, shall post or cause to be posted, a notice, in a conspicuous place upon his premises, stating the number of pounds in the aggregate, actually sold, and the average price per pound received on account of each day's sale. He shall post the notice not later than 9 a.m. on the day following the sale. He shall also, not less than thirty minutes prior to such a sale, post at a point in the office of his warehouse, convenient and accessible for public inspection, a typewritten or printed list showing the true name and postoffice address

of the owner and producer and the number of pounds of tobacco of each person whose tobacco will that day be offered for sale in the warehouse. No tobacco shall be delivered to or received by any warehouse for sale at public auction, unless the true names and post-office addresses of the producer and owner of the tobacco are furnished the warehouse by the person delivering the tobacco.

(2) No person shall, in the notice required by subsection (1), falsify the actual number of pounds sold or the average price of the tobacco sold, or falsely list the name, post-office address or number of pounds of tobacco of any producer or owner whose tobacco will that day be offered for sale, or furnish a false name or address of the owner or producer to any warehouse.

(3) No warehouseman who posts the lists of names and post-office addresses of the owners and producers of tobacco to be offered for sale in his warehouse, as required by this section shall be liable to the holder of any lien on such tobacco, whether under a recorded chattel mortgage or otherwise, unless written notice of such lien and the amount thereof is given to the warehouseman prior to the payment of the proceeds of sale to the owner or producer; and a bona fide purchaser for value of such tobacco at auction in the ordinary course of business shall take title thereto free and clear of all liens and encumbrances.

Section 7. (1) There is hereby created in the Department of Agriculture, Labor and Statistics, a "Tobacco Auction Warehouse Board" to be composed of the Commissioner of Agriculture, Labor and Statistics, as ex-officio chairman, and six members appointed by the Governor, as follows: Two producer members from a list or lists of the names of tobacco farmers submitted by the Kentucky Farm Bureau Federation and by such other farm organizations; two warehouse members from a list or lists of the names of tobacco auction warehouse operators submitted by the Burley Auction Warehouse Association; and two buyer members from a list or lists of the names of persons engaged in the business of buying loose leaf tobacco at auction submitted by the Burley Leaf Tobacco Dealers Association and by such other tobacco buyers' trade organizations.

(2) All members appointed to the Board shall serve three years, and until their successors are appointed and qualified; except that in the case of the members first appointed, two shall be appointed for one year, two for two years, and two for three years, beginning July 1, 1960. All members must be residents of the Commonwealth and no two appointed members shall be residents of the same county. Vacancies occurring during a term shall be filled by appointments for the unexpired term from a list of names submitted by the respective organization.

Section 8. (1) No person shall operate a warehouse for the sale of tobacco at public auction, or increase the floor space or selling capacity of any such warehouse, without having obtained from the Tobacco Auction Warehouse Board a permit therefor. Any person who violates any of the provisions of this section, shall, upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars for each offense; and each day of operation without the required permit shall constitute a separate offense. Upon complaint filed by the Commissioner of Agriculture, Labor and Statistics, by the holder of any lawful permit issued hereunder, or by any other party in interest, violaton of the provisions hereof may be enjoined by any court of competent jurisdiction.

(2) Application for any such permit shall be filed in such manner as the Board may prescribe. Upon the filing of any application, the Board shall fix a time and place for a hearing thereon. If, after hearing, it appears that existing warehouse service is inadequate, and that there is sufficient need for and the public interest requires such warehouse of such additional warehouse space in the locality in which it is proposed to be established, the Board shall grant such permit; but unless it so appears, the application shall be denied.

Section 9. Any person, partnership, firm, association, or corporation that operated a duly licensed warehouse for the sale of tobacco at public auction during the 1959-60 sales season shall, on submitting proof of such operation, be entitled to a permit for the floor space or selling capacity actually in bona fide use during such season if application for such permit is made on or before October 1, 1960.

Section 10. If any warehouse for which a permit has been issued, or any warehouse entitled to a permit under the provisions of Section 9, is damaged or destroyed by fire or other casualty, it may be repaired or rebuilt without any additional permit, but if the floor space or selling capacity is increased, a new permit for such increase must be obtained.

Section 11. (1) Any person aggrieved by any order of the Board of Agriculture in revoking, suspending or refusing a license or in forfeiting a weighman's bond, or by any order of the Tobacco Auction Warehouse Board in granting or refusing a permit, may appeal to the Franklin Circuit Court by filing a petition for review within thirty days after entry of the order appealed from.

(2) The Commissioner and all persons who appeared in the proceedings before such Board shall be made parties. The petition shall state fully the grounds upon which review is sought and shall assign all errors relied on. The appellant shall furnish a copy of the petition to each adverse party. Summons shall be issued on the petition directing the appellees to answer within twenty days after service. Within thirty days after service of summons, the Commissioner shall file a copy of the evidence and proceedings before the Board, duly certified by him, the cost of such copy to be taxed as costs upon the appeal. In lieu of such record, an abstract thereof may be filed if agreed to by all parties to the appeal .

(3) No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct affecting the order ap-

pealed from; and the court shall hear the case on the certified record or abstract thereof, its review being limited to determining whether or not the Board acted without or in excess of its power, the order was procured by fraud, the order is in conformity with the provisions of this Act, and the findings of fact in issue are supported by any substantial evidence.

(4) The court shall enter judgment confirming, modifying or setting aside the order, or remanding the case for further proceedings in conformity with the directions of the court. The final judgment of the circuit court may be appealed to the Court of Appeals in accordance with the rules of Civil Procedure.

Section 12. Subsection (9) of Section 248.990 of the Kentucky Revised Statutes is amended to read as follows:

(9) Any person who violates any of the provisions of KRS 248.410 or 248.420 shall be fined not less than five hundred dollars nor more than two thousand dollars for each offense.

Committee on Agriculture reported **HB 207** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 207, AN ACT relating to dairy product marketing, and repealing KRS 260.300 to KRS 260.390 inclusive:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known as the "Milk Marketing Law."

Section 2. As used in this Act, unless otherwise required by context:

(1) "Commission" means the Milk Marketing and Anti-monopoly Commission;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(3) "Person" means any individual, corporation, partnership, association, cooperative, or other business unit;

(4) "Producer" means every person who produces milk or cream from cows and thereafter sells the same as milk, cream, or other dairy products;

(5) "Producer-handler" means any person who maintains his own herd, prepares for human consumption the milk or cream or other dairy products produced from the herd, and distributes and sells his own products, partially or exclusively, to customers or to others for sale to consumers;

(6) "Milk dealer" or "handler" means any person, including any distributor, processor, bulk milk handler, or operator of a store, who purchases or receives on consignment or otherwise, milk, cottage cheese or frozen dairy products, as hereinafter defined, within the state, for sale, shipment, storage, processing or manufacture, other than for consumption on the premises; a producer who delivers milk only to a processor, distributor or bulk milk handler shall not be deemed a milk dealer or handler; if a cooperative distributes or makes

available on consignment or otherwise, milk, cottage cheese or frozen dairy products, within this state, to any person, it shall be deemed to be a milk dealer or handler as to that part of its business;

(7) "Consumer" means any person, other than a milk dealer or handler, who purchases milk, cottage cheese, or frozen dairy products for the consumption or use by himself or others;

(8) "Cooperative" means the term as defined in KRS Chapter 272, or an association organized under similar laws of another state;

(9) "Licensee" means a licensed milk dealer or handler;

(10) "Distributor" means any person, other than a bulk milk handler, engaged in the business of distributing milk, cottage cheese or frozen dairy products at wholesale or retail to consumers, stores or other distributors;

(11) "Processor" means any person engaged in the business of processing or packaging bulk milk and other materials into milk, cottage cheese or any frozen dairy products;

(12) "Cost to the processor or distributor" means the price paid for raw materials, plus the cost of doing business, as evidenced by the standards and methods of accounting regularly employed by such processor or distributor. The cost of doing business means all costs of doing business incurred in the conduct of the business and shall include without limitation the following items of expense: Labor (including salaries of executives and officers), rent, interest on borrowed capital, depreciation, power, supplies, maintenance of equipment, selling costs, transportation, delivery cost, credit losses, all overhead expense, and all types of licenses, taxes, insurance and advertising:

Provided, however, that for the purpose of computing the cost of the processor or the distributor with respect to the milk deliveries received from producers or their marketing agent, the cost shall be not less than

(a) The amount computed at the applicable minimum Federal order price as it applies to the processor or the distributor who is subject to the classification and pricing provisions of a Federal marketing agreement or order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, or

(b) The amount computed at such minimum price or prices as may have been fixed by the official order of the commission for the geographic area in which the plant of the processor or the distributor is located as it applies to the processor or the distributor who is not subject to the classification and pricing provisions of a Federal marketing agreement or order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(13) "Bulk Milk" means milk in bulk form, in cans, tank cars or tank trucks, that is furnished to a processor for the purpose of processing and manufacturing into milk, cottage cheese, or frozen dairy products, or any combination thereof;

(14) "Bulk milk handler" means any person engaged in the business of disposing of bulk milk to a processor, provided, that the term

"bulk milk handler" shall not include a cooperative association with respect to the sale of the milk of its members;

(15) "Cost of a bulk milk handler" means the price paid dairy farmers for the milk, plus receiving plant charge or a reasonable charge to cover all costs of operating his own receiving plant, plus transportation cost to the point of delivery to the purchaser.

(16) "Store" includes any mercantile establishment that sells at retail milk, cottage cheese or frozen dairy products;

(17) "Cost to the store" means the invoice price paid by the retailer plus the retailer's cost of doing business as evidenced by the standards and methods of accounting regularly employed by such store, including, but not limited to, all costs incurred in the conduct of said store such as labor (including salaries of executives and officers), rent, interest on borrowed capital, depreciation, power, supplies, maintenance of equipment, selling cost, advertising, transportation, delivery costs, credit losses, all overhead expenses, and all types of licenses, taxes, insurance and advertising;

(18) "Milk" means fluid milk, sweet cream, sour cream, skim milk, flavored milk, buttermilk, and condensed or concentrated whole or skim milk for use in fluid milk products;

(19) "Cottage cheese" means the soft uncured cheese prepared from the curd obtained by adding bacteria, with or without enzymatic action, to skim milk or reconstituted skim milk, prepared with or without mixture with cream or mixture of cream and milk or skim milk;

(20) "Frozen dairy products" means ice cream, ice cream mix, and any frozen substance, mixture or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice cream or sherbet, when prepared or manufactured for commercial purposes;

(21) "Books and records" mean all pertinent books, ledgers, journals, records, papers, memoranda, correspondence, vouchers, bills, receipts, canceled checks, accounts, exhibits, photographs and other documents.

Section 3.

(1) There is hereby created the Milk Marketing and Antimonopoly Commission, which shall consist of six members. The membership of this commission shall be composed of the Commissioner of Agriculture, Labor and Statistics, who shall hold office ex officio, and five others to be selected by the Governor. Of the five members selected by the Governor, one shall be appointed from a list of four persons submitted by the Director of the Agriculture Experiment Station, one shall be appointed from a list of four persons submitted by the Kentucky Farm Bureau Federation and one shall be appointed from a list of four persons submitted by the Dairy Products Association of Kentucky, two shall be selected and appointed by the Governor. Both the Dairy Products Association of Kentucky and the Kentucky Farm Bureau Federation shall present two names from the

first four congressional districts and two names from the second four congressional districts, and one member shall be selected from each of the two groups of congressional districts. All members shall be citizens of the United States and residents of the Commonwealth.

(2) All members shall serve a term of four years and until their successors are appointed and qualified, except that the five members first appointed shall hold office as follows: One for one year, one for two years, one for three years, and two for four years, from the effective date of this Act. Vacancies occurring during a term shall be filled by appointment for the unexpired term as provided in subsection (1) of this section.

(3) The Commissioner of Agriculture, Labor and Statistics shall be the chairman of the commission and the commission shall select a vice-chairman from among its members. The chairman and vice-chairman shall preside at all meetings and vote as any other member.

(4) Any action or order of the commission shall require the approval of at least four members.

(5) All members of the commission shall be re-imbursed for their actual expenses and each appointed member shall be paid, in addition, twenty dollars for each day spent in the discharge of his official duties. No member of the commission during his tenure of office, shall hold any other office under the laws of the Commonwealth or the United States, with the exception of the Commissioner of Agriculture, Labor and Statistics.

(6) The office of the commission shall be in the Department of Agriculture, Labor and Statistics at the State Capitol in Frankfort.

(7) The commission shall be called into session at such times as there are matters for its consideration. It shall meet at least once each calendar year at Frankfort or at such other place that may be determined.

(8) The Commissioner may, and at the request of four members shall, call the meetings of the commission. Four members shall constitute a quorum. Four members may call the commission together for the transaction of business, if the commissioner, upon request of four members, refuses to call it.

Section 4. This Act shall be administered by the Milk Marketing Antimonopoly Commission;

Section 5. The Commonwealth shall not be liable for the acts or omissions of the commission or any member, officer, agent or employee thereof, or upon any contract entered into by the commission. No member of the commission and no officer, agent or employee thereof, shall be personally liable on any contract or agreement of the commission. All salaries, expenses, costs and liabilities incurred under the provisions of this Act shall be the obligations of the commission.

Section 6.

(1) The commission may employ such attorneys, clerks and employees as it deems necessary to carry out the provisions of this Act.

Any officer, employee or agent of the commission may be required to give bond as provided in KRS 62.060.

(2) No member or person employed in the work of the commission shall, for a period of two years after leaving the service of the commission, be eligible to appear before the commission representing any person interested in any proceeding pending before the commission.

Section 7.

(1) No distributor, processor, bulk milk handler, store or producer-handler, either directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder, employee, partner, agent or representative thereof, shall for the purpose or with the effect of restraining, lessening or destroying competition or injuring one or more competitors or injuring one or more persons dealing in milk, cottage cheese, or frozen dairy products or to impair or prevent fair competition in the sale of milk, cottage cheese or frozen dairy products in this state, threaten or engage in any marketing practice established to be unreasonable by the commission, including, but not limited to, the marketing practices or methods of doing business described in this section.

(a) Advertise for sale any article or product at less than the cost thereof to such vendor, or give, offer to give or advertise the intent to give away any article or product, for the purpose of injuring competitors and destroying competition, or with the effect of otherwise injuring a competitor, or of destroying competition, or of creating a monopoly.

(b) Discriminate in price in the sale of any milk, cottage cheese, or frozen dairy products between different towns, cities, municipalities, counties, sections or communities, or portions thereof or locations therein, in this state, by advertising, offering to sell or selling milk, cottage cheese or frozen dairy products at a lower price in one town, city municipality, county, section, or community, or portions thereof or locations therein, than in another, after making allowance for difference, if any, in the grade or quality, and in the actual cost of transportation to point of delivery.

(c) Give, or offer to give, or allow any secret rebate, unearned discount, free service or services, financial aid, free equipment or any other thing of value to any purchaser or consignee in connection with the sale or consignment of milk, cottage cheese or frozen dairy products.

(d) The provisions of subsections (a), (b) and (c) shall not apply to advertisements or offers to sell, or sales made:

1. In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade or business if notice is given to the public thereof.

2. When the milk, cottage cheese or frozen dairy product is damaged or deteriorated in quality and notice is given to the public thereof.

3. By an officer acting under the orders of any court.

4. In an endeavor made in good faith to meet the legal prices of a competitor selling the same article in the same locality or trade area.

(2) No distributor, processor, bulk milk handler, or producer-handler, shall furnish, give, lend, sell or rent to any store any advertising material of any form except matter advertising the products of such distributor, processor, bulk milk handler, or producer-handler, and provided that if such advertising is furnished, given, loaned, sold or rented not more than one-third of such space or cost of such advertising matter shall be used to identify the store.

Section 8.

(1) The right of private enterprise to determine and establish the price or prices for sale of its products shall not be affected by this Act, and nothing contained herein shall be construed to authorize or permit the commission to set, fix, or establish any price or prices, for sale of any milk, cottage cheese, or frozen dairy product, or any other product.

(2) Under rules prescribed by the commission, each milk dealer or handler, including producer-handlers, shall file with the commission, within such time and in such form as the commission designates, schedules showing all prices established by such dealer or handlers for milk, cottage cheese, or frozen dairy products. The dealer or handler shall keep copies of its schedules open to public inspection under such rules as the commission prescribes.

(3) Price schedules on any class of milk, cottage cheese or frozen dairy products can be superseded, changed or withdrawn only on forms prescribed and furnished by the commission and by filing a copy of the new or modified price schedule with the commission at such time and in the manner required by such rules as the commission prescribes.

Section 9.

(1) The commission is authorized and empowered:

(a) To call together milk dealers or handlers and producer-handlers for the purpose of inquiry into marketing practices prevailing from time to time in this State, and if need be, to conduct investigations and/or hearings in connection with such practices for the purpose of making findings relative to any marketing practice found to exist within this State involving the sale or distribution of milk, cottage cheese, or frozen dairy products covered by this Act, and thereafter to promulgate reasonable rules or regulations for the elimination of any such practice found to be contrary to the provisions of this Act; and

(b) To establish as a public record the minimum prices applicable to the milk deliveries of producers to a processor or a distributor. Such prices shall be used solely for the purpose of computing the cost of a processor or a distributor pursuant to Section 2 (12) (b) hereof. These minimum prices shall, in the discretion of the commission, be established for a processor or a distributor located or distributing milk or milk products in marketing areas as defined by counties or other appropriate geographical subdivision.

(2) Upon receipt of a written complaint filed with the commission by any milk dealer or handler, producer-handler or recognized association thereof, the commission may initiate proceedings, for the purpose of hearing and investigating evidence of the failure or refusal of any person to comply with the provisions of this Act or the rules, regulations and orders of the commission issued thereunder after first giving five days notice to the alleged violator as to the date and time fixed for the hearing and the nature of the charge or charges. Each witness required to attend the hearing shall be entitled to receive mileage customarily paid to the witnesses in the courts of the Commonwealth. The commission shall not be bound by technical rules of evidence, except as may be required by the applicable administrative procedure laws of the Commonwealth.

(3) The commission shall have the power during the course of an investigation or hearing to issue subpoenas requiring the attendance and testimony of, or the production of books and records by, any person believed to have information of importance to the hearing or investigation, or possessing any books or records of importance to the hearing or investigation.

(4) Any person who refused to obey a subpoena issued by the commission, or refuses to be sworn or affirmed, or testify, or who is guilty of any contempt after summons to appear, may be punished as for contempt of court. For this purpose, an application may be made by the commission to the court of the circuit within whose territorial jurisdiction the hearing or investigation is being conducted.

(5) Every rule, regulation or order of the commission shall be posted for public inspection in the main office of the commission and copies of such a rule, regulation or order shall be made available and mailed to all licensees and producer groups and organizations affected thereby. Such rule, regulation or order of the commission, when duly posted or when properly served, shall have the force and effect of law.

Section 10.

All acts, proceedings, rules, regulations, orders, papers, findings, minutes and records of the commission and all reports and documents filed with the commission may be proved in any court of the Commonwealth by copy thereof, certified to by the chairman or secretary of the commission.

Section 11.

(1) The commission may confer with legally constituted authorities of other states and of the United States with respect to uniform milk marketing practices. The commissions may join with authorities of other states and with authorities of the United States to conduct joint investigations, to exchange information, hold joint hearings and issue joint, complementary or concurrent orders, and to enter into compacts upon milk marketing practices.

(2) The commission may grant exemption from any provisions of this Act with respect to distribution or sale of products made to the United States or the Commonwealth or any agency, department, division or institution of either, or to any public institution supported in whole or in part by public funds.

Section 12.

(1) Every milk dealer or handler who owns or operates facilities at which milk, cottage cheese and frozen dairy products are received, or processed for distribution or sale within the Commonwealth, or who sells milk, cottage cheese or frozen dairy products within the Commonwealth, shall make application for a license as a milk dealer or handler with the commission within thirty days after this Act takes effect, or prior to engaging in business, and annually thereafter, on or before January 1, upon a form to be prescribed by the commission. Such application shall be accompanied by a license fee of one dollar. Renewal fee shall be one dollar. Any licensee failing to renew his license before the expiration date thereof shall be penalized two dollars in addition to his license fee.

(2) The license required by this Act shall be in addition to any other license or licenses which are now or may hereafter be required by law.

(3) Producer-handlers who distribute or sell a total quantity of milk, cottage cheese, and frozen dairy products, not in excess of an equivalent of three thousand pounds of whole milk in any one month, shall be exempted from the license requirement.

(4) Licenses may not be assigned or transferred.

Section 13.

(1) The commission may decline to grant a license to an applicant or may suspend or revoke a license for the following causes:

(a) Failure to account and make payment for any milk purchased or received from a producer, milk dealer or cooperative that is marketing the milk of its member-producers. Provided, however, that if it be shown that there was reasonable cause for any such failure to account and make payment, and that such accounting and payment can and will be made promptly, the commission shall not suspend or revoke a license solely for such conduct, until a reasonable opportunity has been afforded the licensee to make accounting and payment;

(b) Doing any act injurious to public health or welfare or doing any act injurious to trade or commerce by disruption of the orderly marketing of milk, cottage cheese, or frozen dairy products to such an extent as to interfere with the ample supply thereof for the inhabitants of the Commonwealth. Such act shall include any course of conduct on the part of the milk dealer or handler in violation of the terms of this Act or any valid rules, regulations and orders of the commission;

(c) Making a general assignment for the benefit of creditors, or being adjudged a bankrupt;

(d) Participating in practices in selling or otherwise disposing of milk at prices which create a condition of emergency, by disrupting and undermining orderly marketing practices or by imperiling the ability of milk dealers or handlers to make full and prompt payment for such milk;

(e) Failure to keep books and records or to furnish accurately the reports, statements or other information required by the commission;

(f) Having made any statement upon which a license was issued, which is found to have been false or misleading in any particular;

(g) Violation of any of the provisions of this Act, or any of the rules, regulations or orders of the commission;

(h) Failing to pay any judgment rendered as a result of any violation of the provisions of this Act, or the rules and regulations promulgated by the commission;

(i) Refusal without reasonable cause to receive milk from a producer because it was not transported to the milk dealer or handler by a hauler of the dealer's or handler's choosing, providing that such producer or hauler has adequate facilities and equipment for hauling, and is delivering or is ready, able and willing to deliver, milk to the plant of such dealer or handler in proper condition and at the time necessary to coincide with the current schedule of plant operations of the dealer or handler;

(j) Any conduct constituting a misrepresentation or fraud on the public.

(2) The burden of proving reasonable cause under any provisions of this section shall be upon the milk dealer or handler. The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the current license period.

Section 14.

Before refusing to grant or to reissue, or before suspending or revoking a license, the commission shall give such licensee an opportunity to be heard and shall give notice to such licensee by registered mail at least five days prior to the hearing containing a statement of the matters complained of. After such hearing and after reaching a decision, the commission shall notify the licensee by registered mail within ten days.

Section 15.

(1) A party affected by an order of the commission may file a petition for review in the circuit court of the county in which he resides within twenty days after the service of the final decision of the commission.

(2) Copies of the petition shall be served upon the commission and all other parties of record. The court, in its discretion, may permit other interested parties to intervene. The filing of the petition shall not stay enforcement of the commission's decision; but the commission may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(3) Within twenty days after service of the petition, or within such further time as the court may allow, the commission shall transmit to the reviewing court the original or a certified copy of the entire record under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(4) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the commission, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(5) The court may affirm the decision of the commission or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) in violation of constitutional provisions;

(b) in excess of the statutory authority or jurisdiction of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) unsupported by competent, material, and substantial evidence in view of the entire record as submitted;

(f) arbitrary or capricious.

Section 16.

(1) In addition to the annual license fee there is imposed an assessment on all milk, except bulk milk, and on cottage cheese and frozen dairy products sold in the Commonwealth or packaged or processed in the Commonwealth for distribution therein. The assessment shall be a fee of not more than four mills per hundred weight on all milk used or processed in packaged or processed milk and cottage cheese; a fee of not more than one mill on each gallon of frozen dairy products with the exception of ice cream mix; and one quarter mill per dozen frozen novelties; and a fee of two mills on each gallon of ice cream mix. The commission may fix such assessment fees at lesser amounts and adjust such fees from time to time.

(2) The assessment fees shall be paid to the commission by:

(a) Each distributor with respect to the sale or disposition of milk, cottage cheese and frozen dairy products to consumers, or stores, or other distributors, within the Commonwealth; and

(b) Each store with respect to its purchases of milk, cottage cheese or frozen dairy products from any source other than from distributors who are subject to the reporting and payment provisions of this section.

(3) (a) The assessment fees shall be payable to the commission on or before the last day of the month following the month during which such products were sold or disposed of. Such returns shall be on forms to be prescribed and furnished by the commission, and shall contain such information as the commission may require. The commission may in addition require each milk dealer or handler, including a producer-handler, to file a return with the commission for any month, giving such information as the commission may require.

(b) All information furnished to or acquired by the commission pursuant to this chapter shall be kept confidential by all members and employees of the commission and only such information as the commission deems relevant shall be disclosed by it, and then only in an administrative or court proceeding.

(4) The assessment fees provided by this Act shall not apply to milk, cottage cheese and frozen dairy products used or consumed on the farm where produced or manufactured, or distributed or sold by producer-handlers and stores in a total quantity not to exceed an equivalent of three thousand pounds of whole fluid milk during the month.

Section 17.

All fees and other moneys received by the commission pursuant to the provision of this Act shall be paid to the commission, and shall be deposited in the State Treasury to the credit of a revolving fund for use of the commission in the administration of this Act.

Section 18.

Whenever in the judgment of the commission any person who holds a license or is subject to licensing under this Act has engaged in or is about to engage in any acts or practices that constitute a violation of this Act, or of any rules promulgated by the commission, the commission may make application to the court for an order enjoining such act or acts or practices.

Section 19.

Any person who holds a license or is subject to licensing under this Act who violates any provision of this Act or any rules, regulation or order of the commission shall be fined not more than five hundred dollars or imprisoned for not less than one day nor more than thirty days, or both, for each offense. Each day's violation is to constitute a separate offense.

Section 20.

If any provision of this Act, or its application to any person or set of circumstances, is held invalid, such invalidity shall not affect the remaining provisions or any other applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 21.

KRS 260.300 to KRS 260.390 inclusive is hereby repealed.

Committee on Elections reported **SB 10** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

SB 10, AN ACT relating to the conduct of regular elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a county or by a district less than one county. The board shall forward the certificate to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(2) In the case of offices voted for by the state at large or by a district greater than one county, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one county, the county board of election commissioners shall make out duplicate certificates of the total number of votes received by each of the candidates for such offices, and the total number of votes for and against each of such questions. The county clerk shall keep one of the certificates in his office. He shall not later than three days after the completion of the count of the votes by the board, forward the other certificate by mail to the Secretary of State, who shall deliver it to the State Board of Election Commissioners.

Section 2. Any county clerk who fails to comply with subsection (2) of KRS 118.400 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each day such violation occurs shall constitute a separate offense.

Committee on Criminal Law reported **SB 14** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

SB 14, AN ACT relating to destruction of property by use of explosives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.460 of the Kentucky Revised Statutes is amended to read as follows:

Any person who willfully explodes or who aids, counsels or procures the explosion of any explosive substance on or near another's real or personal property under circumstances that show an intent to cause destruction thereto and thereby destroys or damages another's real or personal property shall be punished by confinement in the penitentiary for not less than two nor more than twenty-one years.

Calendar

SB 32, HB 235, HB 236, HB 237, HB 238, HB 216, HB 196, HB 219, HB 140, SB 15, SB 60, HB 187, HB 186, HB 171, SB 50, HB 195, HB 209, HB 109, HB 260, and **HB 203** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 180, HB 106, HB 108 and **HB 130** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

HB 106 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Tanner moved to amend **HB 106** as follows: "Amend printed copy of HB 106 on page 2, section 3, line 4 insert following after the word "teachers;": "nor to pages of the General Assembly;". Agreed.

Representative Tanner moved to amend **HB 106** as follows: "Amend printed copy of HB 106 on page 2, section 5, line 1 striking out everything after the word "Act" and insert the following: "shall not apply to any person who qualifies for a position on the basis of a competitive merit system examination or, in the case of any person with exceptional qualifications in a highly technical field, who is employed with unanimous approval of the members of any body vested by law with administration of a state personnel system." Agreed.

Representative Tanner moved the Previous Question on **HB 106.** Agreed.

On the roll call, the vote was yeas 46—Alexander, Barton, Buckman, Burress, C. C. Carter, Castle, Caudill, Clark, Cole, Cook, Paul Cornett, Dean, Denham, Dexter, Edmunds, Faulkner, Ford, Garner, Hahn, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Isler, Lovins, Lyon, Moloney, Moorman, Murphy, Neel, Nichols, Nolan, Osborn, Parrish, Rausch, Ray, Render, Roberts, Spurrier, Tanner, Wathen, J. E. White. Nays 43—Bates, Baumgardner, Brizendine, Earl Carter, Chumbler, Colley, Cowherd, Crecelius, Dobyns, Dowell, Ellis, Farmer, Fern, Fields, Haley, Hampton, Houtchens, Irick, Lankford, Ben Martin, C. H. Martin, Miller, L. F. Morgan, Ostertag, Osting, Peniston, Qualls, Quinn, Rayburn, Reynolds, Robinson, Slusher, Virgil Smith, Steiger, Stidham, Stacy, Summe, Treas, Tucker, Glen T. White, Wood, Young, Lowman. **HB 106** was passed and the title agreed to.

Representative Reynolds moved to amend **HB 32** as follows: Amend printed copy of **HB 32** on page 2, section 1, Subsec. 4, line 30 by inserting the word "physical" between the words "against" and "loss" and substituting the word "of" in place of the word "to" between the words "damage" and "property", so that when amended, line 30 in said bill shall read: "ance against physical loss or damage of property by such hazard or". Agreed.

Representative Reynolds moved to amend **HB 32** as follows: "Amend printed copy of **HB 32** on page 3, section 2, Subsec. 1, line 8 on page 3 when amended shall read: "against physical loss or damage of property by such hazard or hazards". Agreed.

Representative Reynolds moved to amend **HB 32** as follows: "Amend printed copy of **HB 32** on page 4, section 2, Subsec. 3, line 31 by substituting the word "ones" for the word "one" so that said line when amended shall read as follows: "shall insure against any loss other than the ones permitted". Agreed.

Representative Reynolds moved the Previous Question on **HB 32.** Agreed.

On the roll call, the vote was yeas 86—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Garner, Hahn, Haley, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, C. H. Martin, Ben Martin, Miller, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 32** was passed and the title agreed to.

HB 94 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Osborn moved to adopt the committee substitute for **HB 94.** Agreed. Representative Ray moved the Previous Question on **HB 94.** Agreed.

On the roll call, the vote was yeas 79—Barton, Bates,Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Cook, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Render, Reynolds, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 6—Colley, Cornett, C. H. Martin, Robinson, Spurrier, Wathen. **HB 94** was passed and the title agreed to.

The Speaker resumed the Chair.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 85, HB 84, HB 39** and **HB 38** had been examined and found correctly enrolled. **HB 85, HB 84, HB 39,** and **HB 38** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 85, HB 84, HB 39 and **HB 38** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

SB 41 taken from the clerk's desk and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Brizendine moved to amend **SB 41** as follows: "Amend printed copy of **SB 41** on page 5, section 3, line 30 through 39 by deleting lines 30 through 39, and inserting in lieu thereof the following: Section 4. Section 186.235 of the Kentucky Revised Statutes is amended to read as follows:

No motor vehicle, not previously registered in this State, other than a new motor vehicle sold by a dealer licensed in this State, shall be registered by the county clerk unless such vehicle shall have been inspected by the sheriff of the county or his deputy, in counties containing a city of the first or second class, or by any peace officer in other counties of the State. Such inspection officer shall make a record of inspection on forms prescribed by the department. The applicant shall pay the inspection officer a fee of one dollar for making the inspection." Also, on page 5, section 4, line 1, by deleting word and figure "Section 4" and inserting in lieu thereof the following: "Section 5." Agreed.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Rayburn, Render, Robinson, Slusher, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 2—Castle, Fred Morgan. **SB 41** was passed and the title agreed to.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Agriculture: **HB 290**

Appropriations: **HR 59**

Aviation: **HB 289**

County Government: **HB 287**

Criminal Law: **HB 283** and **286**

Higher Education: **HB 285**

Judiciary and Judicial Council: **HB 279** and **HB 280**

Kentucky Statutes #3: **HB 265**, **HB 266**, **HB 281** and **HB 291**

Legislative Affairs: **HB 282**

Library and Historical Records: **HB 88**

Mines and Minerals: **HB 264**

Motor Transportation: **HB 284**

Municipalites #1: **HB 278**

Public Utilities: **HB 270**

Regulation of Intoxicating Liquors: **HB 268**, **HB 271**, **HB 293** and **HR 60**

Roads and Highways: **HB 269**

Ways and Means: **HB 267**, **HB 272**, **HB 273**, **HB 274**, **HB 275**, **HB 276**, **HB 277** and **HB 292**

Introduction of Bills

HB 294, by Representative Ellis and Irick: AN ACT relating to instructions to juries in trial of civil actions.

HB 295, by Representatives Ellis and Irick: AN ACT relating to confessions and admissions against interest as evidence in the trial of actions in the courts of this Commonwealth.

HB 296, by Representatives Cornett, Hays, Hislope, Castle, Spurrier, Faulkner, Garner, Hall, Rayburn, Burress, Clark, G. T. White and Render: AN ACT relating to sales and use taxation.

HB 297, by Representative Henry: An ACT relating to poliomyelitis.

HB 298, by Representative Wathen: AN ACT relating to the taxation of liquid fuels used in motor boats.

HB 299, by Representatives Rayburn and Fitzpatrick: An ACT relating to passenger motor carrier taxation.

HB 300, by Representative Ray: AN ACT relating to appropriations for the operation, maintenance support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, institutions, and subdivisions, agencies and other state supported activities.

Representative Ray moved to adjourn until 12:00 Noon, February 18. Agreed.

THIRTY-SIXTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 18, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church.

The roll was called. All present except Representatives Dean, Dexter, Dobyns, Griffin, Farmer, Hardwick, Harris, T. J. Hill, Ben Martin, C. H. Martin, Miller, Moloney, Fred Morgan, Murphy, Osborn, Oosting, Reynolds and Wathen who were granted leave of absence on motion of Representative Isler.

The Speaker vacated the Chair, and Representative Lyon presided.

Reading of Journal for February 17 dispensed with and the same approved on motion of Representative Lowman.

Representative Cornett moved to recess for fifteen minutes for Republican Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Introduction of Bills and Resolutions

HR 66, by Representative Davis: Representative Davis moved the adoption of **HR 66.** Agreed.

HR 66, A RESOLUTION honoring the memory of George Terry.

WHEREAS, George Terry, of Bardwell, Carlise County, Kentucky, departed this life in Frankfort, Kentucky, on Wednesday, February 17, 1960; and

WHEREAS, the said George Terry was a valued employe of the 1960 House of Representatives, ably fulfilling his position as Assistant Cloakroom Keeper, befriending all who knew and came to know him during his work with this Body during the 1960 General Assembly; and

WHEREAS, the House of Representatives well recognizes the loss of its good friend, George Terry, not only from the present General Assembly but the loss from his family and community as well; and

WHEREAS, this Body desires properly to demonstrate its affection for George Terry and its recognition of his untimely passing;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, in meeting assembled:

Section 1. That the death of George Terry be memorialized by this Body as an untimely loss to the General Assembly, to his family, and to his community.

Section 2. That the original copy of this Resolution be properly subscribed by the officials of this Body and forwarded to the surviving family of George Terry, and a copy spread upon the records of the House of Representatives.

Secton 3. That the surviving mother of the deceased, his mother being Mrs. J. A. Terry, of Bardwell, Carlisle County, Kentucky, with whom he lived, be appointed Assistant Cloakroom Keeper of the 1960 House of Representatives, in the place and stead of her son, our deceased friend, George Terry.

Done in meeting assembled, this the 18th day of February, 1960.

HR 65, by Representatives Hahn, Young, Hampton, Edmunds, Hopkins, Nichols, Lovins, Tucker. Representative Hahn moved the adoption of **HR 65.** Agreed.

HR 65, A CONCURRENT RESOLUTION directing the Department of Conservation to establish Rocky Creek State Park.

WHEREAS, the Rocky Creek Dam impounds the beautiful one-thousand acre Lake Malone, which lies in a wooded area whose steep pine-covered bluffs and hills and valleys make it an ideal site for recreation; and

WHEREAS, the site is in the area of the $100,000,000 TVA plant at Paradise, in Muhlenberg County, and the establishment of a recreational site would attract even more industry, and promote the development of the Green River area; and

WHEREAS, approxmately one hundred acres of the necessary land have already been donated by W. C. Malone of Muhlenberg County to the Division of Parks for the purpose of establishing a state park;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Department of Conservation is directed to establish Rocky Creek State Park.

HR 64, by Representative Cole: Representative Cole moved the adoption of **HR 64.** Agreed.

HR 64, A JOINT RESOLUTION requesting the Federal Government to assist the Commonwealth of Kentucky in collecting its retail sales and use taxes on Federal military reservations, installations, and property in Kentucky.

WHEREAS, House Bill No. 75, which provides for a retail sales and use tax on tangible personal property in the Commonwealth of Kentucky and which becomes effective July 1, 1960, was passed by the 1960 Session of the Kentucky General Assembly; and

WHEREAS, tangible personal property is bought and sold on Federal military reservations, installations, and property located in the Commonwealth of Kentucky through private concessionaires and military post exchanges; and

WHEREAS, under Public Law 279 of the 80th Congress, it is provided that no person shall be relieved from liability for payment of, collection of, or accounting for any sales or use taxes levied by any state or by any duly constituted taxing authority therein having jurisdiction to levy such a tax on the ground that the sale or use with respect to which such tax is levied occurred in whole or in part within a Federal area;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Federal Government assist the tax collecting authority of the Commonwealth of Kentucky in collecting all sales and use taxes due it on sales and use transactions occurring upon all Federal military reservations, installations, and property located within the boundaries of the Commonwealth of Kentucky.

Section 2. That a copy of this resolution be sent to the Secretary of Defense, Washington, D. C.; Secretary of the Treasury, Washington, D. C.; Honorable John Sherman Cooper, Thurston B. Morton, Frank W. Burke, Frank Chelf, John C. Watts, Brent Spence, Carl D. Perkins, Eugene Siler, Frank A. Stubblefield, and William H. Natcher, Washington, D. C.; and to the Commanding Officer of each military reservation, installation, and property located in Kentucky.

SENATE MESSAGE

Announcing passage of **HB 166, HB 67, SB 45, SB 57, SB 102, SB 136,** and **SB 137.**

Report of Committees

Committee on Ways and Means reported **HB 199** with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 199,** AN ACT to establish a merit system of personnel administration for the civil service of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **General Purpose.**

The general purpose of this Act is to establish for the state a system of personnel adminstration based on merit principles and scientific methods governing the recruitment, examination, appointment, promotion, transfer, lay-off, removal, discipline, and welfare of its civil employes and other incidents of state employment. All appointments and promotions to positions in the state civil service shall be made solely on the basis of merit and fitness, to be ascertained by competitive examination, except as hereinafter specified.

The General Assembly finds that this Act is necessary in order to improve the morale and motivation of state employes and to gain the maximum utilization of human resources in order to provide better service to the citizens of this Commonwealth.

Section 2. **Definitions.**

As used in this Act unless the context indicates otherwise:

(1) "Appointing officer" means the officer or employe or group of officers or employes authorized by law to make appointments.

(2) "Board" means the Personnel Board created by Section 5 of this Act.

(3) "Certification" means the referral of the name of a qualified prospective employe by the Commissioner of Personnel on request of an appointing officer for selection to a position in the classified service.

(4) "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training experience or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group.

(5) "Classified service" includes all the employment subject to the terms of this Act except for those positions expressly cited in Section 4 of this Act; a "classified position" is a position in the classified service.

(6) "Demotion" means a change in the rank of an employe from a position in one class to a position in another class having a lower minimum salary range and less discretion or responsibility.

(7) "Department" means the Department of Personnel provided for in Section 5 of this Act unless the context indicates otherwise.

(8) "Eligible" refers to a person who has made a passing score

on any examination required under this Act and who has qualified to be placed on a register.

(9) "Emergency employe" means an employe appointed without regard to the examination requirements of this Act to a temporary position by reason of a governmental emergency recognized by the Governor, whose appointment is not to exceed thirty (30) working days in duration and is nonrenewable.

(10) "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis.

(11) "Position" means an office or employment in an agency (whether part-time, full-time, temporary or permanent, occupied or vacant) involving duties requiring the services of one person.

(12) "Probation" means the period of service following appointment to any position under this Act which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in Section 9 of this Act. An employe serving the probationary period is known as a "probationary employe".

(13) "Promotion" means a change of rank of an employe from a position of one class to a position of another class having a higher minimum salary and carrying a greater scope of discretion or responsibility.

(14) "Provisional employe" means any employe appointed on a temporary or interim basis to a permanent position under this Act without examination, such appointment being made necessary by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in Section 9 of this Act.

(15) "Re-employment list" means the separate list of names of persons reduced in force by reason of lack of appropriations, curtailment of program or abolishment of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration of state employment. Re-employment lists are used as provided in Section 9 of this Act.

(16) "Register" means any official list of eligibles for a particular class placed in rank order according to the examination records, which shall be used for selection for promotion or original appointment to a position in the classified service.

(17) "Status" means the acquisition of tenure with all rights and privileges appertaining thereunto after satisfactory completion of the probationary period by an employe in the classified service.

(18) A "temporary position" is one created for a defined period

of time not to exceed six months in any event and not renewable; a "temporary employe" is one appointed to such temporary position, either from an existing pertinent eligible list or without reference to an eligible list. A "seasonal position", although temporary in duration in the foregoing sense, coincides in duration with a particular season or seasons of the year and may recur regularly from year to year; a "seasonal employe" is one appointed to such a seasonal position from an existing eligible list or without reference to an eligible list.

(19) "Transfer" means a movement of any employe from one position to another of the same grade having the same salary ranges and the same level of responsibility within the classified service.

Section 3. **Classified Service.**

(a) The classified service to which this Act shall apply shall include all employes of the Department of Fish and Wildlife Resources; the Commissioner, his principal assistant or deputy for the classified service and division directors of the Department of Personnel, and their secretaries, and all other positions in the state civil service now existing or hereafter established, except as provided in Section 4 of this Act.

(b) (1) The Department of Personnel and departments, commissions, boards or agencies presently covered by merit systems shall come under the provisions of this Act as of the effective date of this Act.

(2) Each head of a department, commission, board or agency shall certify to the Governor at any time after the effective date of this Act, but no later than July 1, 1961, that his department, commission, board or agency is ready to come under the provisions of this Act. Upon receipt of such certification, the Governor shall approve said certification and so inform the Personnel Board.

Section 4. **Classified Service; exception therefrom.**

(a) The classified service to which this Act shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(1) The General Assembly and employes of the General Assembly including the employes of the Legislative Research Commission.

(2) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.

(3) Members of boards and commissions.

(4) Officers and employes on the staff of the Governor and the Lieutenant Governor.

(5) Heads of departments, including those appointed by boards and commissions except as provided in Section 3 of this Act.

(6) One principal assistant or deputy for each head of a department except as provided in Section 3 of this Act.

(7) One additional principal assistant or deputy for each head of a department in those instances in which the nature of the functions, size or complexity of the agency involved are such that the Personnel Board may approve such an additional principal or deputy on petition approved by the Commissioner of Personnel.

(8) Division directors, except as provided in Section 3 of this Act, subject to the provisions of subsection (b) of this section.

(9) Physicians employed as such by the State Tuberculosis Hospital Commission.

(10) One private secretary for each head of a department and for each principal assistant or deputy not included in the classified service.

(11) The Judicial Department, referees, receivers, jurors, and notaries public.

(12) Officers and members of the staffs of state universities and colleges and student employees of such institutions, provided that said institutions shall establish and implement a personnel system embodying the principles herein applicable to faculty members and staff; and officers, teachers, and employes of local boards of education.

(13) Patients or inmates employed in state institutions.

(14) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor.

(15) Unskilled laborers, truck drivers and other light equipment operators, excepting institutional employes of the unskilled laborer category, and seasonal and emergency employes. The Personnel Board shall determine the positions within these categories and shall promulgate rules relating thereto.

(16) Officers and members of the state militia.

(17) Peace officers in the Department of Public Safety, provided that said department shall maintain a personnel system embodying the principles herein applicable to peace officers.

(18) Nothing in this Act is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and KRS 150.061.

(19) Provided, however, that nothing herein is intended or shall be construed to affect any position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.

(b) It is further provided that the responsible departmental, board, commission or agency head shall at the time at which he elects to come under the provisions of this Act, certify to the Personnel Board the positions of those division directors or heads under their jurisdiction whose duties are non-policy making together with a sufficient statement of their duties to enable the board to determine whether or not, as a matter of fact, such duties are non-policy making in their nature. He shall, at any time subsequent to coming under the provisions of this Act, certify to the Personnel Board additional division directors or heads whose duties are non-policy making. At the time of certification notice thereof shall be given to the interested division director or head in the form of a copy of the statement certifying the duties of his office. The board may conduct such hearings as it may deem necessary, and shall conduct hearings pursuant to the administrative provisions of Section 14 hereof in the event of a difference of opinion between the certifying officer and the interested division director or head, before entering its findings of fact and an order either classifying or denying classification to such position. Either the certifying officer or the division director or head may appeal the findings of fact and the final order of the board by initiating action in the Franklin Circuit Court pursuant to the provisions of KRS 418.040 et. seq.

(c) Classified employes with status promoted to positions exempted from classified service may, upon termination of their employment in the exempted service, revert to their classified status, but not necessarily to a particular position in the classified service.

(d) Nothing herein shall be construed as precluding appointing officers from filling non-classified positions in the manner in which positions in the classified service are filled except as otherwise provided herein.

Section 5. **Personnel Board, composition and qualifications.**

There shall be created by this Act a Department of Personnel headed by a Personnel Board in which shall be vested the constitutional powers and responsibilities of officers of the Commonwealth. The Personnel Board shall consist of five members appointed by the Governor for four year terms, and the Governor shall select citizens of Kentucky known for their devotion to the merit principle in government employment and the improvement of management and professional development of the public service of the state. No member of the Personnel Board shall be otherwise an employe or officer of the Commonwealth except faculty or staff members of the University of Kentucky or the state colleges. No member of the Personnel Board shall be a member of any local, state, or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or shall be or have been a candidate for any elective office within one year prior to appointment. Members of the Personnel Board shall receive compensation of forty dollars ($40.00) per diem and reimbursement of travel expenses and other special expenses for each called meeting of the Board which they attend. If any Board member misses three consecutive meetings for any reason other than illness or temporary absence from the Commonwealth, he shall be deemed to have vacated his office and the Governor shall proceed forthwith to appoint a successor to his unexpired term.

The members of the first Board shall be appointed by the Governor within thirty days of the effective date of this Act. Of the members first appointed, one shall serve until January 1, 1961, one until January 1, 1962, one until January 1, 1963, and two until January 1, 1964. Thereafter, each term shall run for four years from the date of expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Each member of the Board shall hold office until his successor is appointed and qualifies.

Members of the Personnel Board may be removed by the Governor only for cause after being given a copy of charges against them and an opportunity to be heard publicly, with the advice of counsel, on such charges against them before the Governor and a finding of fact by the Governor. A copy of the charges and transcript of the record of the hearing and findings of fact shall be filed with the Secretary of State.

The Personnel Board shall annually elect one of its members chairman. It shall meet at such time and place as shall be specified by call of the chairman or the Commissioner of Personnel. At least one meeting shall be held each month. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the Commissioner of Personnel at least three days in advance of the meeting. Three voting members shall constitute a quorum for the transaction of business. The Personnel Board shall keep records and minutes of its business and official actions, with the Commissioner of Personnel serving as secretary. Such minutes shall be public records open to public inspection, subject to such reasonable rules as to hours and conditions of inspection as the Board may establish. It shall be the duty of the officer or officers charged by law with the custody of the state buildings, upon written request of the Personnel Board, to assign suitable office space for executing the duties charged to it and to the Commissioner of Personnel.

Section 6. **Personnel Board duties.**

It shall be the duty of the Personnel Board to:

(1) Adopt comprehensive rules consistent with the provisions of this Act, and with federal standards for the administration of a personnel system in the agencies of the State Government receiving federal grants;

(2) Present to the Governor, through the Commissioner of Finance, for his adoption such classification and compensation plans for the state service, provision for vacation, sick and special leave and

hours of work, together with rules for their administration, as recommended by the Commissioner of Personnel and the Board after a thorough survey of the personnel and departmental organizations included in such plan or plans;

(3) Make investigations, either on petition of a citizen, taxpayer, interested party, or on its own motion, concerning the enforcement and effect of this Act, and to require observance of its provisions and the rules and regulations made pursuant thereto; and to make such investigation as may be requested by the General Assembly or the Governor and to report thereon;

(4) Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, and from officers or employes serving under the personnel system created by this Act, as hereinafter provided, subject to the procedural rules which the Board may adopt pursuant to the provisions of this section;

(5) Promote public understanding of merit principles in government service;

(6) Make annual reports to the Governor and biennial reports to the General Assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy.

(7) Advise the Governor and the Commissioner of Personnel with respect to the administration of the personnel system created by this Act.

(8) Consider and act on such matters as may be referred to the Board by the Commissioner of Personnel; and

(9) Represent the public interest in the improvement of personnel administration in the state service, and advise and assist the Commissioner of Personnel in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

Section 7. **Commissioner of Personnel, appointment, qualifications.**

At its first meeting, and subsequently in the event of a prospective or actual vacancy in the position of Commissioner of Personnel, the Personnel Board shall appoint a committee of three persons publicly known to be sympathetic with the merit principle in government and skilled in personnel administration to conduct an examination for the position of Commissioner of Personnel pursuant to such specifications for the position as the Board may prescribe. The examination shall be conducted as promptly as possible, and in any event within ninety (90) days. The board shall certify, to the Governor, a list of those examinees whom they find qualified, and may further certify as "outstandingly qualified" those who in their judgment, possess such qualifications for the position. The Governor shall appoint a Commissioner of Personnel from the list so certified except that he may reject such a list and the Board shall certify additional qualified examinees.

The salary of the Commissioner of Personnel shall be twelve thousand dollars ($12,000.00) per annum.

The Commissioner of Personnel shall be considered an employe of the state and shall be a member of the classified service. He shall be a person who shall have had extensive training and experience in personnel administration or in allied fields, shall have known sympathies with the merit principle in government service, and shall evidence such other qualifications as in the opinion of the Personnel Board are essential to the performance of the duties of the position. He may be removed for cause by the Governor, but he shall have the same statutory rights to notice of the reasons for such removal and appeal to the Personnel Board as do all other classified state employes.

Section 8. **Commissioner of Personnel, duties.**

The Commissioner of Personnel shall be the executive and administrative head of the Department of Personnel and shall supervise and control all examinations and work of the Department. He shall act as the Personnel Board's adviser on all matters pertaining to the civil service of this state. Within the limitations of the budget, the Commissioner of Personnel shall appoint and supervise such staff as may be needed in the Department of Personnel to carry out the purposes of this Act. It shall be the duty of the Commissioner of Personnel, with the aid of his staff, to:

(1) Attend all meetings of the Personnel Board;

(2) Prepare and recommend to the Personnel Board rules and regulations for the purpose of carrying out the provisions of this Act. Such rules shall provide, among other things, the manner of completing appointments and promotions, including multiple and simultaneous certifications; rejection of ineligible candidates; competitive examinations; creation of eligible lists with successful candidates ranked according to their rating in the examination; leaves of absence with and without pay; transfers, reinstatements, lay-offs; public notice of examinations, procedures for changes in rates of pay; and other conditions of employment;

(3) Establish general procedures for personnel recruitment, for certification, for improving the efficiency of employed personnel, and for the separation of employees deemed unsatisfactory or excessive by agency or department heads subject to the provisions of this Act.

(4) Appoint such examiners and technicians as are necessary for the conduct of the personnel program, whether on a permanent or temporary basis.

(5) Prepare and maintain a record of all employees, showing for each employee his name, post office address, title of position held,

rate of compensation, changes in status, compensation, or title, transfer, sick leaves, vacations, and to make such data and the class specifications for all positions available to the press and public.

(6) Prepare, in accordance with the provisions of this Act and the rules adopted thereunder, examinations, eligible lists, and ratings of candidates for appointment.

(7) Make certification for appointment or promotion within the classified service, in accordance with the provisions of this Act.

(8) Make investigations concerning all matters touching the enforcement and effect of the provisions of this Act and rules and regulations prescribed thereunder;

(9) Foster and develop, in cooperation with appointing authorities and others, programs for appraising employe work performance and collaborate with the several departments of the Commonwealth in the development of programs for employee training, safety, morale, work motivation, health, counseling, and welfare, and exercise leadership in the development of effective personnel administration within the several departments of the Commonwealth, and make available the faciilties of the Department of Personnel to this end.

(10) Provide personnel services to unclassified employes in agreement with the agencies involved not otherwise provided for herein.

(11) Present, in accordance with the provisions of KRS 45.070, budget estimates for the support of the personnel system created by this Act;

(12) Make a report and submit the same to the Personnel Board and to the Governor not later than October first of each year; and

(13) Discharge such other duties as are imposed upon him by this Act, or by the Board. The Commissioner of Personnel on behalf of the Department may join or subscribe to any association or service having as its purpose the interchange of information relating to the improvement of the public service and especially improvement of personnel administration.

The Commissioner may from time to time designate in writing an employe of the Department to act for him in case of his absence or inability from any cause to discharge the powers and duties of his position. In such case, the powers and duties of the Commissioner shall devolve upon his designee.

The Commissioner may request appropriate persons, including officers and employes in the state service, to assist in the preparation and rating of tests. Department heads shall cooperate to the fullest extent possible in making the services of their employes available for such work.

Section 9. **Rules.**

(a) The Commissioner of Personnel shall prepare and submit to the Personnel Board proposed rules for the classified service.

Such rules shall have the force and effect of law, when approved by the Board, after public notice and public hearing. If not disapproved by the Board within forty-five days after the submission thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the intiative of the Board. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the Board, the Commissioner shall allocate the position of every employe in the classified service to one of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the Commissioner of Personnel a written request for reconsideration thereof in such manner and form as the Commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the Commissioner.

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the Commissioner of Finance. The plan shall take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the Board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one of the rates set forth in the pay plan for the class of position in which he is employed.

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The Commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The Commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants.

(4) For the granting of appropriate preference in original entrance examinations to qualified persons who have been members of the armed forces of the United States in time of war, and who were honorably discharged. Such preference shall be in the form of points added to the final passing grades of such persons on original entrance

examinations, provided that they otherwise qualify and are entitled to appear on the list of those eligible for appointment. The preference may be as much as five points for non-disabled persons, and as much as ten points for persons currently receiving compensation from the U. S. Veterans Administration for war-service-incurred disabilities certified as compensable. The rank of such persons on the eligible list shall then be determined on the basis of their augmented rating.

(5) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service.

(6) For the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility lists shall expire automatically at the end of two years, unless the life of a list is extended by action of the Personnel Board for a period not to exceed one additional year.

(7) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the Commissioner in regard to such factors as age, physical condition, training and experience, or who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination.

(8) For the appointment of a person whose score is included in the three highest scores earned on the examination.

(9) For a period of probation not to exceed one year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. The appointing authority shall, within (30) days prior to the expiration on an employe's probationary period, notify the Commissioner in writing whether the probationary employe is recommended for permanent status. Only if the appointing authority certifies to the satisfactory nature of the probationary employe's services, shall permanent status be conferred.

(10) For emergency employment for not more than thirty days with or without examination, with the consent of the Commissioner.

(11) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six months, nor shall successive provisional appointment be allowed, except during the first year after the effective date of this law in order to avoid stoppage of orderly conduct of the business of the Commonwealth.

(12) For transfer from a position in one department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges.

(13) For reinstatement within not more than five (5) years, only with the approval of the Commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part.

(14) For developing, in cooperation with the appointing authorities, uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions.

(15) For lay-offs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for the reinstatement of employes so laid off, giving consideration in both lay-offs and reemployment to qualifications, performance records, conduct and seniority in service.

(16) For imposition as disciplinary measures of a fine of not more than ten day's pay or for suspension from the service without pay for not longer than thirty days.

(17) For discharge or reduction in rank or grade only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the Commissioner.

(18) For establishment of a plan for resolving employe grievances and complaints.

(19) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided in Section 6 (2).

(20) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations.

(21) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted.

(22) For such other rules and administrative regulations, not inconsistent with this law, as may be proper and necessary for its enforcement.

(b) The Commissioner of Personnel shall prepare and submit to the Governor proposed rules for the unclassified service persons in positions enumerated in Section 4, subsections (6), (7), (8), (9), (10), and (15) of this Act. Such rules shall be approved by the Governor and promulgated according to KRS, Chapters 12 and 13. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the unclassified service, based

upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification plan has been approved by the Governor, the Commissioner shall allocate the positions of every employe in the unclassified service to one of the classes of the plan. Any employe affected by the allocation of a position to a class shall, after filing with the Commissioner of Personnel a written request for reconsideration thereof in such manner and form as the Commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the Commissioner.

(2) For a pay plan for all employes in the unclassified service, after consultation with appointing authorities and the Commissioner of Finance, and taking into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the Commissioner of Personnel through the Commissioner of Finance. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one of the rates set forth in the pay plan for the position in which he is employed.

(3) For transfer from a position in one department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges.

(4) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided in Section 6 (2).

(5) For the development and operation of programs to improve the work effectiveness and morale of employes in the unclassified service, including training, safety, health, welfare, counseling, recreation, and employe relations.

(6) For establishing the physical requirements and obtaining proof of meeting such requirements of persons applying for unskilled laborer positions outside the classified service.

(7) For such other rules and administrative regulations, not inconsistent with this law, as may be proper and necessary for its enforcement.

Section 10. **Duty to furnish facilities.**

(a) All officers and employes of the Commonwealth and of all its municipalities and political subdivisions shall allow the Department the reasonable use of public buildings under their control, and furnish heat, light and furniture for any examination, hearing, or investigation authorized by this law. The Department shall pay to a municipality or political subdivision the reasonable cost of any such facilities furnished by it.

Section 11. **Duties of Commonwealth officers and employes.**

(a) All officers and employes of the Commonwealth shall comply with, and aid in all proper ways in carrying out, the provisions of this law and the rules, regulations, and orders thereunder. All officers and employes shall furnish any records or information pertaining to the administration of this Act which the Commissioner may request. The Commissioner or the Board may require the Attorney General to institute and maintain such legal action as the Commissioner or the Board may consider necessary or appropriate to secure compliance with this Act and the rules and orders thereunder.

(b) The Commissioner of Finance may review and approve all proposed position establishments and abolishments. Reclassifications and reallocations may also be reviewed and approved by the Commisioner of Finance on the basis of the availability of funds.

(c) The Commissioner of Finance may take the necessary action to transfer to the Department of Personnel any personnel, records, and property heretofore employed by the various agencies in carrying out such functions as are assigned to the Department of Personnel by the provisions of this Act.

(d) Employes of the Kentucky Personnel Council and the Merit System Council who have probationary or permanent status under the merit systems administered by them for the Department of Economic Security and the Department of Health shall be offered appointments to positions in the Department of Personnel with continuity of employment and status.

Section 12. **Status of Present Employes.**

(a) Employes in probationary or permanent status in a classified position, in separate merit systems existing at the time this Act takes effect, in the Department of Health, Department of Fish and Wildlife Resources, the Commission for Handicapped Children, the Division of Community Services of the Department of Mental Health, and in the Department of Economic Security where required as a prerequisite to the grant of Federal funds, shall be continued in such status without further qualifying examination under this Act.

(b) Employes holding positions in the classified service as defined herein for one year or more immediately prior to the effective date of this Act, who pass or have passed qualifying examinations approved by the Commissioner of Personnel and who are recommended by their respective department, board, commission or agency head for the position they held, shall continue in the positions and have status in the classified service without further examination.

(c) Those employes holding their positions for less than one year immediately prior to the effective date of this Act may also be continued in their respective positions provided within one year after this law takes effect they pass a qualifying examination prescribed by the Commissioner of Personnel. The qualifying examinations may have been given before the effective date of this Act provided they are approved by the Commissioner of Personnel after the effective date of this Act as representing reasonable qualifying tests of fitness for the positions in which the employes are serving or are to serve on or after the effective date of this Act. Such employes shall be considered provisional employes and will be retained in the provisional category until they have qualified by examination no later than one year from the effective date of this Act and have completed a probationary period of one year for the positions they hold.

(d) The Commissioner shall conduct examinations to provide eligible lists to fill positions held by unqualified employes, as well as examinations to qualify present employes, as expeditiously as is practicable and in any event no later than one year from the effective date of this Act. Nothing herein shall preclude the reclassification or reallocation as provided by law of any position held by any such incumbent, and from the date of this Act all state employes, whether enjoying status or not, shall be expected to perform their duties efficiently and adhere to the highest ethical principles of conduct in such performance. Any employe who fails to pass the examination for his position shall be dismissed from his position 30 days after the establishment of an appropriate eligible list.

(e) As of the effective date of this Act all hiring for the classified service shall be on the basis of competitive examinations and certification by the Personnel Department in accordance with the provisions of this Act.

Section 13. **Certification of payrolls.**

(a) No disbursing or auditing officer of the Commonwealth shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the classified or unclassified service unless the payroll voucher or account of such pay bears the certification of the Commissioner, or of his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of this law and the rules, regulations, and orders thereunder. The Commissioner may for proper cause withhold certification from an entire payroll or from any specific item or items thereon. The Commissioner may, however, provide that certification of payrolls may be made once every six months, and such certification shall remain in effect except in the case of any officer or employe whose status has changed after the last certification of his payroll. In the latter case no voucher for payment of salary to such employe shall be issued or payment of salary made without the further certification of the Commissioner.

(b) Any citizen, including public officers, may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of this law, rule, regulation or order thereunder. Any sum paid contrary to any provision of this law or of any rule, regulation, or order thereunder may be recovered in an action maintained by any citizen, from any officer who made, approved, or authorized such payment or who signed or countersigned a voucher, payroll, check or warrant for such payment, or from the sureties on the official bond or any such officer. All monies recovered in any such action shall be paid into the Treasury.

(c) Any person appointed or employed in contravention of any provision of this law or of any rule, regulation, or order thereunder, who performs service for which he is not paid, may maintain an action against the officer or officers, employe or employes, who purported so to appoint or employ him, to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No such officer or employe shall be reimbursed by the Commonwealth at any time for any sum paid to such person on account of such services.

(d) If the Commissioner wrongfully withholds certification of the payroll voucher or account of any employe, such employe may maintain a proceeding in the courts to compel the Commissioner to certify such payroll voucher or account.

Section 14. **Appeals by employes to the Personnel Board.**

Any classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service may, within thirty days after such dismissal, demotion, suspension or penalization appeal to the Personnel Board for review thereof. Upon such review, both the appealing employe and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply. If the Personnel Board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reason, the employe shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his suspension. In all other cases, the findings and recommendations of the Personnel Board shall be submitted to the appointing authority for his consideration, who may, not later than thirty days after receipt of such findings and recommendations, reinstate the employe with or without pay for the period of the suspension, modify his original decision of suspension, demotion, or discharge, or continue his original decision. When any employe is dismissed and not reinstated after such appeal, the Personnel Board in its discretion may direct that his name be placed on an appropriate re-employment list, for employment in any similar position other than the one from which he had been removed. Any action or decision taken or made hereunder shall be final and not subject to judicial review.

Section 15. **Records of the Department of Personnel.**

The records of the Department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to such reasonable regulations as to the time and manner of inspection as may be prescribed by the Commissioner.

Section 16. **Services to political subdivisions.**

(a) Subject to the approval of the Personnel Board the Commissioner may enter into agreements with any municipality or other political subdivision of the Commonwealth to furnish services and facilities of the Department to such municipality or political subdivision in the administration of its personnel or merit principles. Any such agreement shall provide for the reimbursement to the Department, under contract, of the reasonable cost of the services and facilities furnished, as determined by the Commissioner. All municipalities and political subdivisions of the Commonwealth are hereby authorized to enter into such agreements.

(b) The Commissioner may cooperate with the governmental agencies of other jurisdictions charged with personnel administration in conducting joint tests and establishing joint lists from which eligibles shall be certified for appointment in accordance with the provisions of this law.

(c) The Commissioner may, upon the request of the Commissioner of Health and upon the approval of the Personnel Board, furnish merit system services to "local" departments of health.

Section 17. **Retirement system.**

The Commissioner of Personnel shall serve ex-officio as a member of the Board of Trustees of the Kentucky Employees' Retirement System.

Section 18. **Oaths, testimony, and the production of records.**

The Personnel Board, each member of the Personnel Board, and the Commissioner shall have the power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this law. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of a misdeameanor.

Section 19. **Political activities prohibited.**

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified services because of his political or religious opinions or affiliations or ethnic origin.

(b) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.

(c) No employe in the classified service or member of the Personnel Board or Commissioner shall, directly or indirectly, pay or promise to pay any assessment for political purposes, or solicit or take any part in soliciting for any political party, or solicit or take part in soliciting any political assessment, subscription, contribution, or service. No person shall solicit any political assessment, subscription, contribution, or service of any employe in the classified service.

(d) No employe in the classified service shall be a member of any national, state, or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Officers or employes of the classified service may be candidates for and occupy a town or school district office if the office is one for which no compensation is provided and the election is on a nonpartisan basis.

(e) Any officer or employe of the classified service who wilfully violates any of the foregoing provisions of this section shall forfeit his office or position, and for one year shall be ineligible for any office or position in the Commonwealth's service. Violation of this section shall constitute a misdeameanor subject to a sentence of from thirty days to a maximum of six months in jail.

Section 20. **Unlawful acts prohibited.**

(a) No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and the rules, regulations or orders thereunder.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

(c) No employe of the Department, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Section 21. **Appropriations.**

(a) Appropriations shall be made from the general expenditure fund to the Department of Personnel to meet the estimated pro rata share of the cost of administering the provisions of this Act for departments, commissions, boards or agencies which receive their sole support from the general expenditure fund.

(b) The Commissioner shall maintain accurate records reflecting the cost of administering the provisions of this Act. At the close of each quarter year period he shall summarize the cost and shall bill each department, commission, board or agency which receives support from sources other than the general expenditure fund for a pro rata share of the administrative cost based on the relationship between the quarterly average number of employes in the service of such department, commission, board or agency and the quarterly average number of employes in the service of all the departments, commissions, boards and agencies for the appropriate calendar quarter.

(c) All departments, commissions, boards or agencies which receive support from other than the general expenditure fund shall include in their budgets sufficient amounts to meet their pro rata shares of the cost of administering this Act and shall remit such shares quarterly to the Department of Personnel in the manner provided by law.

(d) The department is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purposes of this Act.

Section 22. **Federal standards.**

The Personnel Board and the Commissioner shall see that rules, regulations and practices meeting federal merit system standards shall, where such standards apply as a prerequisite for federal grants-in-aid, be in effect continuously, notwithstanding any other provision of this Act.

Section 23. **Penalties.**

(a) Any person who wilfully violates any provision of this law or of the rules shall be guilty of a misdemeanor, and shall upon conviction be punished therefor with a sentence of from thirty days to a maximum of six months in jail.

(b) Any person who is convicted of a misdemeanor under this law shall, for a period of five years, be ineligible for appointment to or employment in a position by the Commonwealth, and if he is an officer or employe of the Commonwealth, shall forfeit his office or position.

Section 24. **Separability.**

If any provision of this law or of any rule, regulation, or order thereunder or the application thereof to any person, department, or circumstances shall be held invalid, the remainder of this law and the application of such provision of this law or of such rule, regulation, or order to persons, departments, or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 25.

(a) Section 150.023 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the commission shall meet in Frankfort, quarterly, upon a date to be determined and fixed by the commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The commission shall at all times keep a watchful eye upon the Department of Fish and Wildlife Resources, and advise the commissioner to take such action as may be beneficial to the department and in the interest of wild life and conservation of natural resources.

(3) The commissioner, with the approval of the commission, shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(4) The commissioner, with the approval of the commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration, and taking and harvesting of game birds, fish, fur-bearing animals and amphibians all funds of the state acquired for the protection, conservation, propagation or restoration of birds, animals, fish and amphibians, arising from licenses, gifts or otherwise.

Section 26.

Chapter 18 of the Kentucky Revised Statutes is repealed in its entirety and sections 150.071, 150.072, 150.080, 150.083, 156.140, 210.070, 439.490 of the Kentucky Revised Statutes are repealed, and any other statutes in conflict with the provisions of this Act are hereby repealed.

Section 27. **Effective date.**

This law shall take effect on July 1, 1960.

Committee on Education reported **HB 66** and **HB 200** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 66, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 157.390 of the Kentucky Revised Statutes is amended to read as follows:

(2) The amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

Rank I	$4,800
Rank II	4,400
Rank III	4,000
Rank IV	3,300
Rank V	2,900
Rank VI	2,500
Rank VII	2,150

Provided, the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

HB 200, AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.190 of the Kentucky Revised Statutes is hereby amended to read as follows:

Any vacancy in any board of education shall be filled by the other members of the board within ninety days after the vacancy occurs. If the vacancy is not filled by the other members of the board within ninety days, it shall be filled by the State Board of Education within thirty days after information has been filed by any citizen of the district that the vacancy has existed for more than ninety days. The members so chosen shall hold off until the next regular election and until his successor is elected and has qualified.

Committee on Oil and Petroleum reported **HB 100** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 100, AN ACT relating to the Ohio River bed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 56.220 of the Kentucky Revised Statutes is amended to read as follows:

All that portion of the bed of the Ohio River, lying north of the thread of the stream, except accretions to islands privately owned, is declared to be vacant and unappropriated land, and the county court of each county bordering on the Ohio River may use or lease the river bed for county purposes. Any lease of such river bed for development and/or removal of sand, gravel, gas, oil or other minerals or substances, conveys full right and title to the lessee of all interests embraced by the lease; and all rents, royalties and other proceeds from such lease shall be the property of the county bordering on the Ohio River and making such leases.

All monies paid into or to be paid into the State Treasury under the terms of leases heretofore made are appropriated to the counties bordering upon the Ohio River within whose boundaries the leases that produce the monies lie, and may be used for general county purposes.

Committee on Oil and Petroleum reported **HB 129** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 129, AN ACT relating to taxation of crude petroleum production.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 137.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any county may impose a tax for road, county or school purposes of not more than one and one-half percent of the market value of all crude petroleum produced in the county. The fiscal court may levy this tax for county purposes, and shall determine what funds shall receive the tax when collected. When crude petroleum is produced in any separate taxing district in a county, the fiscal court shall equitably distribute such taxes between the county and the taxing district.

(2) A producer of crude petroleum oil shall include any person owning an interest in crude petroleum oil produced in this state.

(3) The taxes provided for by this section shall be imposed and attached when the crude petroleum is first transported from the tanks or other receptacle located at the place of production, and shall be imposed ratably upon all persons owning any interest in such oil.

Calendar

HB 96, HB 220, HB 183, HB 162, HB 160, HB 88, HB 103, HB 153, HB 146, HB 155, HB 172, HB 126, HB 229, HB 223, HB 19, HB 211, HB 284, HB 159, HB 133, HB 247, HB 290, HB 207, SB 10 and **SB 14** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 180 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 66—Alexander, Barton, Bates, Baumgardner, Brizendine, Earl Carter, Castle, Caudill, Childress, Chumbler, Cole, Colley, Cottengim, Cowherd, Crecelius, Denham, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Garner, Hahn, Haley, Hampton, Hardin, Hill, Hinkle, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 3—Clark, Cornett, Hays. **HB 180** was passed and the title agreed to.

HB 108 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 71—Alexander, Barton, Bates, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Isler, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Robinson, J. D. Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nay 2—Ellis, Irick. **HB 108** was passed and the title agreed to.

HB 130, SB 32, HB 235, HB 236, HB 237 and **HB 238** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

HB 216 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 82—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Dowell, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 216** was passed and the title agreed to.

HB 196 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Ford moved to defer action on **HB 196** until Tuesday, February 23. The motion was rejected.

On the roll call, the vote was yeas 65—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Earl Carter, Castle, Caudill, Childress, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dowell, Ellis, Faulkner, Fields, Fitzpatrick, Hahn, Haley, Hall, Hampton, Hardin, Hinkle, Hopkins, Isler, Lankford, Lovins, Lyon, Miles, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White J. E. White, Wood, Young. Nays 12—Burress, C. C. Carter, Chumbler, Clark, Edmunds, Ford, Garner, Hays, Henry, Hill, Spurrier, Stacy. **HB 196** was passed and the title agreed to.

Motions, Petitions and Communications

The Speaker announced that Representatives from each Congressional District would select one member to serve on Committee to be appointed pursuant to **HR 51;** that they should report to him, so he can confirm selection of Committee.

The Speaker announced that Representative C. H. Martin had been appointed to the following committees: Committee on Banks and Banking, Committee on Compensation for Industrial Injuries, Committee on Education, Committee on Forestry, State and National Parks, Committee on Judiciary and Judicial Council, Committee on Mines and Minerals, Committee on Motor Transportation, Committee on Oil and Petroleum Products, Committee on Public Utilities, Committee on Roads and Highways, Committee on Veteran's and Military Affairs.

Orders of the Day

HB 219 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 62—Barton, Baumgardner, Brizendine, C. C. Carter, Earl Carter, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Render, Slusher, A. C. Smith, Virgil Smith, Steiger, Summe, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 10—Bates, Burress, Castle, Cornett, Haley, Hall, Robinson, J. D. Smith, Stacy, Tanner. **HB 219** was passed and the title agreed to.

HB 140 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Cook moved to amend **HB 140** as follows: "by deleting lines 17 through 23 and changing the numerical figure on line 24 so that same will read "two"." Agreed.

On the roll call, the vote was yeas 76—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 140** was passed and the title agreed to.

SB 15 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 78—Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 15** was passed and the title agreed to.

The Speaker vacated the Chair and Representative Rayburn presided.

SB 60 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Cowherd moved to amend **SB 60** as follows: "Amend printed copy of **SB 60** on page 2, section 2 (a) line 30 by inserting the following after the letter (a): "Adjutant General, Commissioner of Alcoholic Beverage Control, Executive director of the State Tuberculosis Sanatoria Commission." Agreed. Representative Cowherd moved to amend **SB 60** as follows: "Amend printed copy of **SB 60** on page 2, section 2 (b), line 38-45 by deleting "Adjutant General" on line 38; by deleting "Commissioner of Alcoholic Beverage Control" on lines 40 and 41; and by deleting "Executive Director of the State Tuberculosis Sanatoria Commission" on lines 43, 44, and 45. Agreed.

On the roll call, the vote was yeas 68—Bates, Baumgardner, Brizendine, Buckman, Burress, Castle, Childress, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Garner, Hahn, Haley, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Ostertag, Parrish, Peniston, Qualls, Quinn, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 60** was passed and the title agreed to.

HB 67 taken from Orders of the Day. Representative Hahn moved to defer consideration of **HB 67** until printed bill is on members desks. Agreed.

HB 187 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 63—Alexander, Bates, Baumgardner, Brizendine, Buckman, Burress, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Dobyns, Ellis, Faulkner, Fern, Fields, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Ostertag, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, J. E. White, Young. Nays 5—Denham, Hinkle, Parrish, Peniston, G. T. White. **HB 187** was passed and the title agreed to.

HB 186 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 70—Alexander, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Faulkner, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Ostertag, Parrish, Peniston, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, Virgil Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 186** was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 81** had been examined and found correctly enrolled. **SB 81** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

SB 81 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

HB 171 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 75—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, L. F. Morgan, Neel, Nichols, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, Wood, Young. Nays 0. **HB 171** was passed and the title agreed to.

SB 50 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 66—Barton, Bates, Baumgardner, Brizendine, Buckman, Earl Carter, Castle, Caudill, Childress, Clark, Cole, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Hill, Hinkle, Hislope, Irick, Isler, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 50** was passed and the title agreed to.

HB 195 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 72—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Hays, Hill, Hinkle, Hislope, Hopkins, Irick, Lankford, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Rayburn, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 0. **HB 195** was passed and the title agreed to.

HB 209 taken from Orders of the Day. Representative Ray moved that **HB 209** retain its place in Orders of Day. Agreed.

HB 109 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 64—Alexander, Barton, Bates, Baumgardner, Brizendine, C. C. Carter, Earl Carter, Castle, Childress, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hays, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Robinson, A. C. Smith, Virgil Smith, Stacy, Stidham, Summe, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 109** was passed and the title agreed to.

HB 260 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 62—Alexander, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Hampton, Hill, Hopkins, Irick, Isler, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Robinson, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 5—Cook, Haley, Hinkle, Hislope, Peniston. **HB 260** was passed and the title agreed to.

HB 203 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 74—Alexander, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hays, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lovins, Lyon, Miles, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 203** was passed and the title agreed to.

Introduction of Bills and Resolutions

HB 301, by Representative Ostertag: AN ACT relating to benefits of members of the police or fire departments in cities of the fourth and fifth classes.

HB 302, by Representatives L. F. Morgan and Moorman: AN ACT relating to dogs and livestock.

HB 303, by Representative Buckman: AN ACT relating to arrests for traffic violations without a warrant.

HB 304, by Representative Brizendine: AN ACT relating to labor unions and elections within the union, guaranteeing to individual union members certain rights.

HB 305, by Representatives Caudill and Garner: AN ACT relating to school superintendents.

HB 306, by Representative Caudill: AN ACT relating to the veterans bonus.

HB 307, by Representative Cook: AN ACT relating to planning and zoning.

HB 308, by Representatives Wood, Earl Carter, Roberts, Robinson and Colley: AN ACT relating to pin-ball machines.

HR 63, by Representatives Robinson, Ben Martin, Castle and Hislope: A RESOLUTION authorizing and directing the Department of Highways to fence the cemetery and mark the last resting place of Jenny Wiley.

HR 67, by Representative Hill:

HR 67, A RESOLUTION inviting the Reverend Mr. Carl Rucker to open the session of February 29, 1960 with prayer.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Reverend Mr. Carl Rucker, pastor of the Moreland, Kentucky, Methodist Church, be, and he hereby is, invited to open the February 29 session of the House of Representatives with prayer.

Section 2. That the Clerk of the House of Representatives is directed to forward a copy of this Resolution to Mr. Rucker.

Orders of the Day

Representative Fitzpatrick moved that the vote by which **HB 203** was passed be reconsidered. Agreed.

Representative Ray moved to adjourn to 9:00 A. M., February 19. Agreed.

THIRTY-SEVENTH LEGISLATIVE DAY

FRIDAY, FEBRUARY 19, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Cornett, Dexter, Dowell, Fields, Edmunds, Fitzpatrick, Garner, Hall, Hays, Houtchens, Ben Martin, Neel, A. C. Smith, Steiger and Wathen, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 18 dispensed with and the same approved on motion of Representative Isler.

Motions, Petitions and Communications

Representative Hill moved the adoption of **HR 67.** Agreed.

HR 68, by Representatives Barton, Edmunds, Hampton, Slusher and Young:

HR 68, A RESOLUTION relating to a Jefferson Davis commemorative stamp.

WHEREAS, the only President of the Confederate States of America Jefferson Davis, was a native of the Commonwealth of Kentucky, having been born in Christian County – now Todd County —on June 3, 1808,

WHEREAS, the Nation-Wide Centennial observance of the War Between the States will begin in the year 1961, to last for a period of four years, and

WHEREAS, the fame of Jefferson Davis as a key figure of the War Between the States has become a cherished part of the heritage of the Commonwealth of Kentucky and of the South, and

WHEREAS, it has been a policy of the Postal Office of the United States to issue postage stamps of a commemorative nature to recognize certain outstanding figures of American history, and

WHEREAS, a number of Southern States have in recent years through legislative acts, petitioned the United States Government to issue a stamp in honor of Jefferson Davis in the beginning year of the Centennial observance of the War Between the States,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be memoralized to take necessary steps to achieve the issuance of a commemorative stamp during the year 1961 to recognize the stature of statesmanship attained by Jefferson Davis; and

Section 2. That copies of the above Resolution be forwarded to the members of the House of Representatives and the Senate of the United States from the Commonwealth of Kentucky, and to the Postmaster-General of the United States.

Representative Barton moved the adoption of **HR 68.** Agreed.

Representative Dean moved that **HB 231** be read at length for the first time and placed in Calendar the committee report notwithstanding.

On the roll call, the vote was yeas 40 – Brizendine, Buckman, Chumbler, Clark, Cole, Colley, Cowherd, Crecelius, Dean, Denham, Ellis, Faulkner, Fern, Hahn, Hardin, Hardwick, Hays, Hill, Hinkle, Irick, Moorman, L. F. Morgan, Nolan, Osborn, Ostertag, Parrish, Qualls, Rayburn, Render, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Stacy, Summe, Tanner, Treas, G. T. White, Young. Nays 8–Burress, Haley, Harris, Hislope, Peniston, Rausch, Spurrier and Wood. The motion to give **HB 231** a first reading was rejected.

Report of Committees

Committee on Charitable, Penal and Reformatory Institutions reported **HR 53** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 53, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study tthe feasability of establishing a training home for illegitimate children.

WHEREAS, aid to dependent children is largely aid to children of unwed mothers; and

WHEREAS, such aid involves sums of great magnitude; and

WHEREAS, many unwed mothers hasten to bear more children for the sole purpose of qualifying for more aid; and

WHEREAS, the environment of the children causes them to follow in the immoral footsteps of their mothers and thus perpetuate in increased amount of load of aid to dependent children; and

WHEREAS, the institution of holy matrimony is being endangered; and

WHEREAS, birth out of holy wedlock is being encouraged and illegitimacy is hereby subsidized; and

WHEREAS, unsupervised illegitimates beget illegitimates ad infinitem; and

WHEREAS, the perpetuation of this condition will endanger the stability of the state and nation; and

WHEREAS, a child is born with certain inalienable rights; and

WHEREAS, a child trained in the way he or she should go will not depart from that way when he or she becomes adult;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Legislative Research Commission make hte proper studies, surveys, and analyses and avail itself of competent advice as to the feasability of establishing a proper training home for all illegitimate children born to an unwed mother, except the first such child.

Committee on Charitable, Penal and Reformatory Institutions reported **SB 44** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

SB 44, AN ACT relating to handicapped children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Commission" means the Commission for Handicapped Children; and

(2) "Handicapped Children" includes all crippled children under the age of twenty-one, who are amenable to medical treatment.

Section 2. (1) A Commission for Handicapped Children is established in the State government, composed of seven members appointed by the Governor for a term of four years or until their successors are appointed and qualified, except that the terms of members first appointed shall be: One member for one year, two for two years, two for three years, and two for four years. The respective terms of the first members appointed shall be designated by the Governor at the time of their appointment. Two members of the Commission shall be appointed from a list of six names submitted by the Kentucky Society for Crippled Children, one member from a list of three names submitted by the Kentcuky State Medical Association, and the other four members shall be intelligent and discreet citizens appointed from the state at large who have evidenced an interest in the problems of handicapped children. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor is appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining original representations.

Section 3. (1) Members of the Commission shall be qualified voters of the Commonwealth, shall be at least thirty years of age and have been residents of the Commonwealth for at least two years immediately preceding appointment.

(2) Commissioners shall take the constitutional oath of office before entering upon the discharge of their duties, and a record of such taking shall be entered upon the executive journal.

(3) Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

Section 4. (1) The Commission shall be a corporation with the usual corporate powers, and may adopt rules and regulations necessary to carry out the provisions of this Act.

(2) The Commission shall elect a president, vice-president, secretary and treasurer. The office of secretary and treasurer may be held by the same person.

(3) The Commission shall employ a medical director and such professional and other personnel as may be required to administer the program of the Commission, in accordance with state and federal laws and regulations and under such administrative policies as are established by the Commission. The medical director and all other employes of the Commission shall be subject to and governed by a merit system of rules and regulations adopted by the Commission, approved by the U. S. Secretary of Health, Education and Welfare. The Com-

mission may elect coverage under the workmen's compensation laws for all employes of the Commission.

Section 5. The Commission may receive both real and personal property by gift, devise, bequest, conveyance or otherwise and may mortgage, pledge, sell or convey such properties unless specifically prohibited by the terms of the gift. Funds received from such gifts may be expended for the care and treatment of handicapped children referred to the Commission.

Section 6. The father, mother or guardian, or person in charge of a handicapped child, or any person interested in such child, may refer the child to the Commission.

Section 7. (1) The Commission shall provide through contractual agreement, or otherwise, such services as may be necessary to locate, diagnose, treat, habilitate or rehabilitate handicapped children, and may include any necessary auxiliary services, such as room and board and travel for patients and parents or parent substitutes.

(2) Children referred to the care of the Commission for treatment shall be placed under the care of such physicians or surgeons as the Commission deems qualified and may be placed in a hospital or home properly equipped to render the necessary treatment or services required by the child.

(3) The Commission is authorized to make such expenditures as may be necessary to carry out the provisions of this Act.

Section 8. (1) No child shall be accepted for care or treatment by the Commission if his parents or legal guardian are able to pay for such treatment except where the child resides in an area of the state where adequate care and treatment are not otherwise available, in which event referral must be made by the doctor caring for the child and the parents or guardian shall reimburse the Commission for all cost expended by the Commission for treatment.

(2) In the event the Commission determines that the parents or legal guardian of a handicapped child can pay only a portion of the cost of treatment through their own resources or through resources available to them, such parents or guardian shall pay such sums as they are able to pay and the funds thus received shall be turned over to the Commission and applied to the cost of treatment and care of the child.

Section 9. The Commission shall make a biennial report to the Governor showing the amount of money received and expended and a detailed statement of its activities for such period. A copy of such report shall be furnished each member of the General Assembly at its first session following the filing of such report with the Governor.

Section 10. All information as to medical data, personal facts, and circumstances obtained by the Commission staff shall constitute privileged communications, shall be held confidential and shall not be divulged without the consent of the father, mother, guardian, person who committed the child, or the patient involved, except as may be necessary to provide additional services to children through other medical, welfare or service agencies and institutions. Such information may be disclosed in summary, statistical or other form which does not identify particular individuals.

Section 11. The records, property and personnel heretofore employed in carrying out the functions of the Kentucky Crippled Children Commission are hereby transferred to the Commission for Handicapped Children. The appropriation and trust and agency fund balances provided for performances of the functions transferred by this chapter, are hereby transferred and made available to the Commission for Handicapped Children.

Section 12. Subsection (3) of Section 200.010, Section 200.250, 200.260, 200.270, 200.280 and 200.290 of the Kentucky Revised Statutes are repealed.

Section 13. This Act shall become effective on July 1, 1960.

Committee on Banks and Banking reported **HB 179** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 179, AN ACT relating to perpetual care-type cemeteries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any person, firm or corporation, except a church, religious or established fraternal society, engaged in the business of ownership, maintenance or operation of a cemetery which represents to the public that perpetual, permanent, continual, eternal care or care of like duration will be furnished cemetery property sold, shall cause to be established in a bank authorized to do business in this Commonwealth an irrevocable trust fund to be known as a perpetual care and maintenance fund. The income of such fund shall be used solely for the general care, maintenance and embellishment of the cemetery.

(2) (a) Any cemetery required to establish a perpetual care and

maintenance fund under the provisions of this Section, shall place at least twenty percent of the gross selling price of each lot or grave space into this fund.

(b) The deposit in the trust fund shall be made not later than thirty days after the close of the month in which the final payment on the purchase price was received.

(3) The Department of Banking may at any time investigate the cemetery business of such company with regard to its perpetual care and maintenance fund. For that purpose, the department shall have free access to any office, place of business or records of the cemetery and of any trustee of the fund. Cost of examination shall be borne by the perpetual care and maintenance fund.

Section 2. Any cemetery coming within the provisions of Section 1 of this Act, shall file in its principal office an annual statement which shall be available to any lot owner and which shall state the amount of the principal of the perpetual care and maintenance fund, the total amount invested in lawful investments and the amount of cash on hand which shall show the true financial condition of the trust.

Section 3. Any person violating any provision of this Act shall, upon conviction thereof, be fined not less than fifty nor more than two hundred dollars or confined in the county jail not exceeding six months, or both so fined and imprisoned.

Calendar

HB 199, HB 66, HB 200, HB 100 and **HB 129** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 130 and **SB 32** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred. Agreed.

HB 235 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 235** was passed and the title agreed to.

HB 236 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 78—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Denham, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Rayburn, Render, Roberts, Robinson, Slusher, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 236** was passed and the title agreed to.

HB 238 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 238** was passed and title agreed to.

HB 237 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 82—Alexander, Barton, Bates, Baumgardner, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Dean, Denham, Dobyns, Ellis, Farmer, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 237** was passed and title agreed to.

HB 209 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Fern, Fields, Ford, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 209** was passed and title agreed to.

HB 96 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Haley, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 96** was passed and title agreed to.

Senate Message

Announcing passage of **HB 84, SB 86, SB 99** and **SB 111.**

Orders of the Day

HB 220 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Ray moved to amend **HB 220** as follows: "Amend printed copy of HB 220 on page 1, section 2, line 8 and 9 Section 2, line 8, delete "one-tenth percent" and add, "one-tenth of one percent". Section 2, line 9, delete "one-twentieth percent" and add, "one-twentieth of one percent". Agreed.

On the roll call, the vote was yeas 66—Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Fern, Fields, Ford, Hahn, Haley, Hardin, Hardwick, Hays, Henry, Hill, Hinkle, Hopkins, Irick, Isler, Lankford, Lyon, C. H. Martin, Miles, Miller, Fred Morgan, Murphy, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White. Nays 11—Alexander, Buckman, Castle, Faulkner, Griffin, Harris, Hislope, Moloney, Moorman, Stacy and Young. **HB 220** was passed, and the title agreed to.

HB 183 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Ray moved to amend **HB 183** as follows: "Amend printed copy of **HB 183** on page 1, section 1, line 12 thru 14. Amend printed copy of **HB 183** to read as follows: By striking lines 12, 13, & 14 and inserting the lines as follows: "in March, the third Monday, in May, the second Monday in September, and the second Monday in November, eighteen juridical days each. Agreed.

On the roll call, the vote was yeas 82—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Dean, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Robinson, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 183** was passed and title agreed to.

HB 162 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 80—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Clark, Cole, Colley, Cook, Cottengim, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Griffin, Hahn, Haley, Hardin, Hardwick, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler Lovins, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 162** was passed and title agreed to.

HB 160 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 82—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Faulkner, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 160** was passed and title agreed to.

HB 88 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 84—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Faulkner, Fern, Fields, Ford, Griffin, Hahn, Haley, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB** 88 was passed and title agreed to.

HB 103 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 79—Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lyon, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 103** was passed and title agreed to.

HB 153 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 78—Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 153** was passed and title agreed to.

HB 146 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 84—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Dean, Denham, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Ford, Griffin, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Miller, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 146** was passed and title agreed to.

HB 155 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 46—Bates, Baumgardner, C. C. Carter, Earl Carter, Childress, Cole, Cook, Cottengim, Crecelius, Dobyns, Ellis, Farmer, Fern, Hahn, Haley, Harris, Hinkle, Houtchens, Irick, Isler, Lankford, Lyon, Miles, Miller, Moorman, L. F. Morgan, Murphy, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, A. C. Smith, Virgil Smith, Stidham, Summe, G. T. White, J. E. White, Young. Nays 16—Alexander, Caudill, Clark, Cowherd, Denham, Ford, Henry, Hill, Lovins, C. H. Martin, Moloney, Nichols, Nolan, Osborn, Stacy and Tanner. **HB 155** was passed and the title agreed to.

HB 172 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 69—Alexander, Barton, Bates, Buckman, Burress, Earl Carter, Castle, Caudill, Childress, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Ellis, Farmer, Faulkner, Fern, Fields, Hahn, Haley, Hampton, Harris, Hays, Henry, Hinkle, Hislope, Houtchens, Irick, Isler, Lankford, Lovins, Lyon, Miles, Miller, Moloney Moorman, Fred Morgan, Nichols, Nolan, Ostertag, Osting, Peniston, Qualls Quinn, Rausch, Ray, Rayburn, Render, Roberts, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, G. T. White, J. E. White, Wood, Young. Nays 7—Griffin, Hardin, Hill, C. H. Martin, Murphy, Parrish and Robinson. **HB 172** was passed, and the title agreed to.

HB 126 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Hill moved that **HB 126** lay on the clerk's desk. Agreed.

Representative Dean moved that **HB 231** be recommitted. Agreed.

Introduction of Bills

HB 309, by Representatives Ford and Haley: AN ACT relating to highway construction.

HB 310, by Representative Reynolds: AN ACT relating to taxation of commercial passenger aircraft.

HB 311, by Representatives Hahn and Lyon: AN ACT relating to hours of work.

HB 312, by Representatives Irick and Ellis: AN ACT relating to gas pipeline companies.

HB 313, by Representatives Ellis and Irick: AN ACT relating to dependent children.

HB 314, by Representative Ellis: AN ACT relating to salaries of county attorneys.

HB 315, by Representative Ellis: AN ACT relating to domestic relations.

HB 316, by Representative Ellis: AN ACT relating to juveniles accused of crime.

HB 317, by Representative Ellis: AN ACT relating to proceedings under the local option laws.

HB 318, by Representative Ellis: AN ACT relating to possession of gambling equipment.

HB 319, by Representative Bates: AN ACT providing for and relating to the planning and zoning of the capital, city of Frankfort and the county of Franklin.

Motions, Petitions and Communications

The Speaker appointed the following committee pursuant to **HR 51:** Representatives Virgil Smith, Hopkins, Farmer, L. F. Morgan, Ostertag, Bates, Reynolds and Clark.

Representative Ray moved to adjourn until 6:00 p.m., Tuesday, February 23. Agreed.

THIRTY-NINTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 23, 1960

The House was called to order by the Speaker.

Invocation by Reverend Herbert Ward Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives Davis, Dobyns, Hall, Hampton, Rayburn, Wathen and Young, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 19, dispensed with and the same approved on motion of Representative Isler.

Report of Committees

Committee on Criminal Law reported **HB 154** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 154, AN ACT relating to motor vehicle offenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where a regulation provides that points shall be assessed against a person on conviction of traffic offenses, and that upon accumulation of so many points the offender's operator's license shall be revoked, the court in passing on the guilt or innocence of offenders, upon proper showing of hardship or other mitigating circumstances may direct that the imposition of such points be suspended. Where points are suspended as above, the regulating authority shall note the conviction and suspension on the records of the individual so convicted. The regulating authority shall make available to any individual, his agent or the court, upon request a copy of the violation record of such individual which copy when signed by the regulating authority shall be admissible as evidence in any court.

Calendar

HB 179 and **SB 44** were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 130 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Colley moved that **HB 130** be laid on the Clerk's desk. Agreed.

Representative Ray moved that **SB 32** be recommitted. Agreed.

HB 229 taken from Orders of the Day and ordered read at length for the third time. Representive Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 229.** Agreed.

On the roll call, the vote was yeas 70—Alexander, Barton, Bates, Brizendine, Buckman, Burress, C. C. Carter, Castle, Chumbler, Clark, Cottengim, Crecelius, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Garner, Hahn, Haley, Hampton, Hardwick, Harris, Hays, Hill, Hinkle, Hislope, Houtchens, Hopkins, Isler, Lankford, Lovins, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Qualls, Ray, Reynolds, Robinson, Slusher, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 10—Caudill, Childress, Ford, Hardin, Murphy, Peniston, Quinn, Rausch, Render, Stacy. **HB 229** was passed and the title agreed to.

HB 223 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB223.** Agreed.

On the roll call, the vote was yeas 81—Alexander, Barton, Bates, Baumgardner, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Haley, Hampton, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Ben Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 223** was passed and the title agreed to.

HB 19 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Fern moved to amend The Committee Substitute for **HB 19** as follows: "Amend printed copy of **HB 19** substitute on page 1, title, by deleting the words "hydraulic brake fluid" and insert the words "automotive safety." Agreed.

On the roll call, the vote was yeas 62—Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Earl Carter, Childress, Chumbler, Clark, Cole, Cottengim, Cowherd, Crecelius, Davis, Denham, Dexter, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Garner, Hahn, Haley, Hall, Hampton, Harris, Hays, Hinkle, Houtchens, Isler, Lankford, Ben Martin, Miller, Moorman, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Ray, Reynolds, Robinson, A. C. Smith, Virgil Smith, Stacy, Steiger, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 5—Cornett, Dean, Ford, Hardin and Hill. **HB 19** was passed, and the title agreed to.

HB 211 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative L. F. Morgan moved to amend **HB 211** as follows: "Amend printed copy of **HB 211** on page 2 by adding the following new section: Section 2. Whereas, the present law results in unfair hardship on applicants who seek to engage in public transportation, an emergency is declared to exist and this act shall become effective immediately upon its passage and approval by the Governor." Representative Ray moved the Previous Question on **HB 211.** Agreed.

On the roll call, the vote was yeas 74—Alexander, Bates, Baumgardner, Brizendine, Buckman, Castle, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Fern, Fields, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Reynolds, Roberts, Robinson, J. D. Smith, Virgil Smith, Stacy, Steiger, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 211** was passed, and the title agreed to.

HB 284 taken from Orders of the Day. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

Representative Ray moved that **HB 159** be recommitted. Agreed.

Representative Ray moved that **HB 133** be laid on Clerk's desk. Agreed.

HB 247 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 247.** Agreed.

On the roll call, the vote was yeas 88—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl

Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Rausch, Ray, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 247** was passed, and the title agreed to.

HB 290 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 290.** Agreed.

On the roll call, the vote was yeas 86—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Roberts. **HB 290** was passed, and the title agreed to.

The Speaker vacated the Chair, and Representative Fitzpatrick presided.

Representative Ray moved that the vote by which **HB 229** was passed be reconsidered and said motion be laid on table. Agreed. Representative Dexter moved to recommit **HB 229.** Agreed.

Representative Ray moved that **HB 67** be taken from the Clerk's desk. Agreed. Representative Ray moved that the House concur in the following Senate Committee Substitute for **HB 67:**

Committee Substitute for **HB 67:** AN ACT relating to clerks' fees.

WHEREAS, House Bill 67 of this session, which relates to fees for additional clerks' duties under the Uniform Commercial Code, has passed both the House of Representatives and the Senate; and

WHEREAS, the bill purported to amend KRS 64.010, but did not set out the present text of the section; and

WHEREAS, it is preferable to amend the section by setting out both the present text and the new matter;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.010 of the Kentucky Revised Statutes is amended to read as follows:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fee:

Issuing summons	$ 0.70
Each copy thereof	.40
Entering return thereon	.40
Issuing order of attachment	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing order of injunction	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing subpoena	.70
(All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)	
Issuing attachment for a witness	.70
Issuing order of arrest	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing order of delivery	.70
Each copy thereof	.40
Entering return thereon	.40
Issuing each writ of possession	2.00
Docketing an action, motion or proceeding	.25
Order assigning cases to a division of court	.50
Warning order by clerk	.70
Order of clerk appointing warning order attorney	.70
Issuing a rule	.70
Each copy thereof	.40
Filing return on rule	.40
Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the rule docket	.25
Filing a pleading	.40
Filing each exhibit or other paper not a pleading	.30
Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness	.50

Each commission to take deposition	1.50
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one	.40
Taking a recognizance of a party or witness	.50
Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each	.50
Copy thereof	.50
Attendance in court, other than circuit court, upon each trial of an action, to be charged to each party for each trial	1.50
Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day	6.00
Swearing a jury	.75
Entering a judgment (other than equity action)	1.25
Each copy thereof	.75
Entering or recording a judgment in an equity action, for every ten words	.03
Taxation of costs of each party, to be charged to such party	.75
Each copy of a taxation of costs of each party, if called for	.50
Filing copy of costs taxed in the case file	.40
Issuing an execution, with all endorsements thereon	1.50
Each copy of an execution with all endorsement thereon	1.00
Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words	.03
Copying a record for Court of Appeals or other purpose, each ten words	.03
Issuing a supersedeas	1.00
Each copy thereof	.40
Entering return thereon	.40
Filing each transcript on appeal	.40
Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same	.75
Copying a pleading or other paper, each ten words	.03
Indexing in plaintiff's and Defendant's General Index to suits, each name of parties to an action, to be charged for each listing and once in each case	.30
Indexing in Defendant's Index of Execution of each name of parties to such execution, to be charged for each listing and for each execution issued	.30
Indexing in Plaintiff's and Defendant's Index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment	.30
Each order made by the clerk in vacation or made by the clerk when the court is not in vacation	.70

Each order in the county court	.60
Each copy thereof when ordered	.40
Probate of a will and certificate, including all services relating thereto	1.50
Order granting an administration, or appointing appraisers of estate of any fiduciary	.75
Taking a bond for any fiduciary	1.50
Certificate of administration or copy of it	.75
Issuing a writ of idiocy or lunacy	1.00
Recording each inquisition under same	1.00
Recording deed of trust or assignment for the benefit of creditors	2.70
Copy of same when ordered	1.25
Taking bonds required of the trustee or trustees in such cases; and including all services connetced with it	2.70
Recording inventories required to be filed by the trustees, for every twenty words	.05
Each official certificate	1.50
Each bond required to be taken or prepared by the clerk	1.50
Taking a bond where no fee is fixed specially by law	1.50
Copy of any bond when ordered	1.50
Recording a bond, each bond	1.50
Receiving the acknowledgement of proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same	1.25
Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof	.05
Recording any report of a commissioner, usrveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words	.03
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed twelve hundred words	2.50
All over twelve hundred words, every twenty words	.05
Each additional certificate	.40
Each additional tract embraced in such deed, except town lots	.40
Copy of deed and certificate thereon	2.50
Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the wohle services	2.00
Each copy thereof	1.50
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof	

does not exceed twelve hundred words	2.50
All over twelve hundred words, for every twenty words	.05
Copy of same	2.50
Recording mortgage of personalty	2.00
Copy of same	1.50
Recording, entering or noting release of any lien, mortgage, or redemption other than a deed of release	.40
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien	1.50
Copying courses and distance of any deed, for each tract when demanded	.40
Recording plat laid down in the allotment of dower or division of land, for each tract thereof	.40
Recording or copying a plat or map of land, each lot	.40
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services ncident	6.75
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city	6.75
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not	.50
Each order appointing a surveyor of road	.50
Each copy thereof	.50
(The last two named to be paid out of the county levy.)	
Each order in proceedings for private pasways, to be paid by applicant	.50
Each copy of same, to be paid by applicant when ordered	.45
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy	2.50
Copying a surveyor's report, for every twenty words or fraction thereof	.05
Administering an oath and certificate thereof	.75
Issuing license for which no other fee is fixed by law	1.50
Marriage license, bond, certificate and recording	3.00
Each order and certificate allowing any claim against the county treasurer or tSate Treasurer, where the claim exceeds five dollars, to be paid by the claimant	.70
Recording post notice of an estray, waifboat or wreck, and advertising same	1.00
For filing, indexing and furnishing filing data for an original or continuation financing statement	2.00
For filing and indexing a financing termination statement and sending or delivering the original financing statement	.75
For filing, indexing and furnishing filing data about an assignment of a financing statement	.75

For filing and noting a statement of release of collateral under
a financing statement ------------------------------- .75
(all other fees to be the same as at present.)

On the roll call, the vote was yeas 86–Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Moloney, Moorman, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 67** was passed, and the title agreed to.

The Substitute was concurred in.

HB 207 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Moorman moved to amend **HB 207** as follows: "Amend printed copy of House Bill 207 on page 14, section 12, line 20 following the phrase "equivalent of" delete the word "three" and insert in lieu thereof the word "two";

And on page 14, section 12, line 21, following the words "any one" delete the word "month" and insert in lieu thereof the word "day".

Also on page 19, section 16, subsection (4), lines 41 and 42 as follows:

After the words "equivalent to" in line 41, delete the word "three" and insert in lieu thereof the word "two", and following the word "during" in line 42, delete the words "the month" and insert in lieu thereof the words "a day."

Representative Moorman moved the Previous Question on **HB 207.**

On the roll call, the vote was yeas 64–Alexander, Barton, Bates, Baumgardner, Brizendine, Burress, C. C. Carter, Earl Carter, Chumbler, Cole, Cook, Cottengim, Cowherd, Dean, Denham, Dexter, Dobyns, Dowell, Ellis, Faulkner, Fern, Fields, Ford, Hahn, Haley, Hampton, Hardwick, Henry, Hill, Hinkle, Houtchens, Hopkins, Isler, Lovins, C. H. Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Render, Reynolds, Roberts, Slusher, A. C. Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 9—Clark, Colley, Crecelius, Edmunds, Hays, Lankford, Ray, Robinson and J. D. Smith. The Previous Question was adopted on **HB 207.**

On the roll call, the vote was yeas 85—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Cole, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Isler, Lankford, Lovins, Lowman, Lyon, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Render, Reynolds, Roberts, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 5—Caudill, Colley, Irick, Ray and Robinson. **HB 207** was passed, and the title agreed to.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Appropriations: **HB 300** and **HR 63**

Courts and Legal Procedure: **SB 96**

Criminal Law: **HB 303**

Judiciary and Judicial Council: **HB 294, SB 45, SB 57** and **SB 105**

Kentucky Statutes #2: **HB 305**

Kentucky Statutes #3: **HB 295, HB 296, HB 306, HB 308, HB 314, HB 315, HB 316, HB 317, HB 318, SB 89, SB 102, SB 110, SB 114** and **SB 42**

Labor: **HB 304** and **HB 311**

Legislative Affairs: **HB 299, HB 310, HB 313** and **SB 112**

Motor Transportation: **SB 111**

Municipalities #1: **HB 307** and **SB 136**

Municipalities #2: **HB 301, HB 319, SB 99** and **SB 106**

Oil and Petroleum Products: **SB 71**

Public Health: **HB 297, SB 24** and **SB 46**

Public Utilities: **SB 86**

Revenue and Taxation: **HB 298**

Roads and Highways: **HB 309** and **SB 92**

Ways and Means: **HB 302, HB 312, SB 91** and **SB 137**

Introduction of Bills and Resolutions

HB 320, by Representative Moloney: AN ACT relating to alcoholism.

HB 321, by Representative Moloney: AN ACT relating to the Commission on Alcoholism.

HB 322, by Representative Ellis: AN ACT relating to the suspension of vehicle operator's licenses.

HB 323, by Representative Ellis: AN ACT relating to bail bonds executed after conviction.

HB 324, by Representative Ellis: AN ACT relating to cities of the third class.

HB 325, by Representative Ellis: AN ACT relating to minors.

HB 326, by Representative Ellis: AN ACT relating to the publication of financial statements.

HB 327, by Representative Hinkle: AN ACT relating to the disposal of motor vehicles by peace officers.

HB 328, by Representative Hinkle: AN ACT relating to the use of firearms on railroad rights-of-way.

HB 329, by Representative Rausch: AN ACT relating to distress warrants.

HB 330, by Representative Buckman: AN ACT relating to alcoholic beverages.

HB 331, by Representative Buckman: AN ACT relating to the Kentucky Employes' Retirement System.

HB 332, by Representative Moloney: AN ACT relating to vacancies in county offices.

HB 333, by Representative Garner: AN ACT relating to the establishment of a state college.

HB 334, by Representative Cottengim: AN ACT relating to guards of prisoners.

HB 335, by Representative Ray: AN ACT relating to salvage yards.

HB 336, by Representative Ray: AN ACT relating to the Uniform Support of Dependents Act.

HB 337, by Representative Robinson: AN ACT relating to increasing the benefits to certain recipients of public assistance.

HB 338, by Representative Ostertag: AN ACT relating to taxation by cities.

HB 339, by Representative Ostertag: AN ACT relating to rural electric and telephone cooperative corporations.

HB 340, by Representative Reynolds: AN ACT relating to Liquefied Petroleum Gas.

HB 341, by Representative Dexter: AN ACT relating to railroads.

HB 342, by Representative Irick: AN ACT relating to motor vehicles, motor transportation and the revenue and taxation thereof.

HB 343, by Representative G. T. White: AN ACT to provide for the taxation of lessees and users of tax exempt property.

HB 344, by Representative Colley: AN ACT relating to jailer's fees.

HR 69, by Representative Osborn: A RESOLUTION relating to establishing a study commission for junior colleges or off-campus centers.

HR 70, by Representative Denham: A RESOLUTION memorializing Congress to make possible the construction of Cave Run Reservoir on Licking River.

Representative Ray moved to adjourn until 12:00 Noon, February 24. Agreed.

FORTIETH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 24, 1960

The House was called to order by the Speaker.

Invocation by Reverend Herbert Wash Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives Caudill, Davis and Rayburn, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 23, dispensed with and the same approved on motion of Representative Isler.

Introduction of Resolutions

HR 72, by Representatives Edmunds, Virgil Smith, Nichols, Harris and Hopkins:

HR 72, WHEREAS, the proposed Piney-Clifty Lake at the confluence of Christian, Hopkins, and Caldwell Counties, Kentucky, has been planned for many years, and the sum of approximately $47,000 has been expended for the purchase of land for the proposed 850-acre Lake, and an additional $4,000 has been expended for engineering studies of the Lake area; and

WHEREAS, the Department of Fish and Wildlife Resources is committed to the construction of the dam at the mouth of Clifty Creek for the establishment of this Lake, and the said Department has earmarked sufficient funds for this purpose; and

WHEREAS, the Department of Conservation, the Division of Forestry, the Division of Flood Control and Water Usages, the Division of Parks, and the Department of Fish and Wildlife Resources have expressed a desire for the construction of said Lake, each of said agencies having recognized the material benefits to be derived by the surrounding counties and the nearby Pennyrile State Park, the said Lake to be available not only for fishing and recreation but also for the alleviation of severe flood damage on Piney and Clifty Creeks and the downstream Tradewater River;

NOW, THEREFORE:

Be it hereby resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Conservation, the Division of Parks and the Department of Fish and Wildlife Resources, are authorized and directed to construct, build and maintain the Piney-Clifty Lake in Christian and Caldwell Counties, Kentucky, and to make all necessary arrangements for the proper construction, supervision and care of the surrounding Lake area.

Representative Edmunds moved the adoption of **HR 72.** Agreed.

HR 71, by Representative J. D. Smith:

HR 71, A RESOLUTION requesting the Governor to recommend the use of local labor in the construction of roads in Eastern Kentucky.

WHEREAS, the construction of new highways from Winchester to Campton and from Campton to Prestonsburg and Hazard are being proposed; and

WHEREAS, the construction of other roads and highways in Eastern Kentucky are now being planned; and

WHEREAS, there now exists a serious problem of unemployment in Eastern Kentucky with many families suffering extreme hardship because of the acute shortage of work; and

WHEREAS, contractors engaged in the construction of roads and highways in the Eastern Kentucky area could do much to alleviate the privation and suffering of the residents in this section by using as much local labor as possible;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Governor of the Commonwealth of Kentucky be, and he is hereby most respectfully requested to urge and recommend that contractors who are and will be engaged in the construction of roads and highways in the Eastern Kentucky area use as much local labor as possible.

Representative J. D. Smith moved the adoption of **HR 71.** Agreed.

HR 73, by Representative Cottengim:

HR 73, A RESOLUTION directing a report on income derived from state owned liquor stores in other states.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is directed to obtain the latest available information from each state with respect to income derived from state owned liquor stores. The Department of Revenue is directed to cooperate to the fullest with the Legislative Research Commission in compiling this information.

Section 2. That on or before Monday, March 7, 1960, the Legislative Research Commission shall present to the House of Representatives the information required by Section 1 together with the Department of Revenue's estimates as to the amount of revenue anticipated from the application of the sales tax provisions in House Bill 75 (1960 session) on (a) food for home consumption; (b) medicine; and (c) clothing.

Section 3. That the House of Representatives examine the reports required by Sections 1 and 2 of this resolution in terms of possible modifications in House Bill 75 and the establishment in the Commonwealth of a system of state owned liquor stores to offset revenue losses that might accrue from exemption of food, medicine and clothing from a general sales tax.

Representative Cottengim moved the adoption of **HR 73.** Agreed.

HR 74, by Representative Fred H. Morgan:

HR 74, A RESOLUTION directing the Legislative Research Commission to furnish to the membership a list of employees charged to the General Assembly.

HR 75, by Representative A. C. Smith:

HR 75, A CONCURRENT RESOLUTION relating to tobacco acreage control quotas.

WHEREAS, under present law and regulations, Kentucky land owners who are allocated tobacco base by the United States Department of Agriculture cannot sell any portion of their land unless a percentage of tobacco base is also disposed of in accordance with the acreage sold; and

WHEREAS, this restriction in effect prevents the sale of land for non-competitive, agricultural purposes, which hinders the economic development of the Commonwealth; and

WHEREAS, prospective purchases of small homesteads by retired and semi-retired individuals, sportsmen and others who desire a home with rural atmosphere are increasing; and

WHEREAS, the desire to purchase homes in the Commonwealth, with its congenial atmosphere, historical background, expanded and improved schools, parks and highways, and abundant provisions for recreation is often thwarthed by the allotment laws and regulations;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States be, and it hereby is, memorialized to amend the laws which prevent the sale of portions of farms without transfer of tobacco base acreage or decreases in tobacco base allotments.

Section 2. That the Department of Agriculture of the United States be, and it hereby is, memorialized to change its regulations which prevent the sale of portions of farms without transfer of tobacco base acreage or decreases in tobacco base allotments.

Section 3. That the Clerk of the House of Representatives is directed to send copies of this Resolution to the Secretary of Agriculture, and to the United States Senators and Representatives elected from the Commonwealth of Kentucky.

Representative A. C. Smith moved the adoption of **HR 75.** Agreed.

Senate Message

Announcing passage of **HB 174, HB 173, HB 122, HB 119, SB 104, SB 118** and **SB 140.**

Report of Committees

Committee on Municipalities #1 reported **HB 244** with the expression of opinion that the same should pass with Committee Substitute. Read at length for the first time and ordered placed in the Calendar.

HB 244, AN ACT conferring upon counties having a population of 300,000 or more, the right and power to levy, assess and collect license taxes for county purposes; and the issuance and enforcement of licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Fiscal Court of each county having a population of 300,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation, or profession for revenue purposes shall be imposed at a percentage rate or rates not to exceed 1¼% of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions, or occupations from activities conducted in the county. Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other cases where the county is prohibited by statute from imposing a license tax.

Section 2. The Fiscal Court of said counties may provide for the levy, the assessment and the collection of such license taxes, provide for the issuance and enforcement of licenses, and specify the county governmental purposes to which the revenue therefrom shall be applied.

Section 3. Any amount paid to any city of the first class within such county as a license fee, for the same privilege and for the same period, shall be credited against the county license fee payable hereunder. Any amount paid to any other city within such county as a license fee, for the same privilege and for the same period, shall be credited against the county license fee payable hereunder, provided that such city, at least thirty (30) days prior to the beginning of any county fiscal year, has contracted with the Fiscal Court to contribute annually to the support of joint agencies of such County and one or more cities in the County, an amount which bears the same ratio to the annual appropriation made for such joint agencies by a city of the first class in the County, as the assessed valuations for County tax purposes, as determined by the County Tax Commissioner, of the real and tangible personal property, excluding franchises, located within the corporate limits of such other cities, respectively, bears to the same assessed valuations within a city of the first class in said County.

Section 4. Nothing in this Act shall be construed to repeal, amend, or affect in any way the provisions of KRS 243.060.

Section 5. This act shall not in any wise appeal, amend, affect or apply to any existing statute exempting property from local taxation or fixing a special rate on proper classification or imposing a state tax which is declared to be in lieu of all local taxation, nor shall it be construed to authorize a county to require any company that pays both an ad valorem tax and a franchise tax to pay a license tax.

Section 6. This Act shall not be construed as repealing KRS 91.200, or KRS 92.281 or any of the laws of the Commonwealth relating to the levy of license taxes, but shall be held and construed as ancillary and supplemental thereto.

Section 7. If any section, paragraph, clause, or provision of this Act shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect the validity of any of the remaining provisions hereof.

Committee on Appropriations reported **HB 300** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 300, AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, institutions, and subdivisions, agencies and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is appropriated out of the General Expenditure Fund, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1960, for the fiscal year beginning July 1, 1960, and ending June 30, 1961, and including any unappropriated surplus to the General Expenditure Fund as of June 30, 1961, for the fiscal year beginning July 1, 1961, and ending June 30, 1962, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part One listed as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions*

1960-61	$ 5,000
1961-62	$534,335

B. *Legislative Research Commission*

1960-61	$157,715
1961-62	$158,130

C. *Statute Revision and Administrative Regulations*

1960-61	$70,015
1961-62	$71,365

D. *Legislative Journals and Acts.* For preparing, indexing, editing, and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1960-61	$29,560
1961-62	$13,600

E. *The Council of State Governments*

1960-61	$10,500
1961-62	$10,500

F. *Statute Revision Commission—Printing Revolving Fund*

1960-61	$14,080

TOTAL—LEGISLATIVE

1960-61	$286,870
1961-62	$787,930

2. LIEUTENANT GOVERNOR

A. *Office of the Lieutenant Governor*

1960-61	$32,450
1961-62	$33,025

B. *Contingent Fund*

1960-61 ---------------------------------- $2,500

1961-62 ---------------------------------- $2,500

TOTAL–LIEUTENANT GOVERNOR

1960-61 ---------------------------------- $34,950

1961-62 ---------------------------------- $35,525

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of the Court of Appeals, including salaries of judges and commissioners.

1960-61 ---------------------------------- $280,775

1961-62 ---------------------------------- $287,300

B. *Clerk of Court of Appeals*

1960-61 ---------------------------------- $42,200

1961-62 ---------------------------------- $43,600

C. *Judicial Council*

1960-61 ---------------------------------- $19,300

1961-62 ---------------------------------- $19,300

D. *Circuit Courts.* For salaries and expenses of circuit judges.

1960-61 ---------------------------------- $533,250

1961-62 ---------------------------------- $533,250

E. *Circuit Judges' Retirement System.* For administering and complying with the obligations of the State under the Circuit Judges' Retirement System Act, namely, KRS 23.300 to 23.380.

1960-61 ---------------------------------- $9,744

1961-62 ---------------------------------- $9,744

F. *State Law Library*

1960-61 ---------------------------------- $35,100

1961-62 ---------------------------------- $34,900

TOTAL–JUDICIARY

1960-61 ---------------------------------- $920,369

1961-62 ---------------------------------- $928,094

4. EXECUTIVE DEPARTMENT

A. *Governor's Office*

1960-61 ---------------------------------- $84,650

1961-62 ---------------------------------- $85,600

B. *Contingent Fund*

1960-61 ---------------------------------- $12,000

1961-62 ---------------------------------- $12,000

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1960-61 .... $500,000
1961-62 .... $500,000

TOTAL—EXECUTIVE DEPARTMENT
1960-61 .... $596,650
1961-62 .... $597,600

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5. SECRETARY OF STATE

A. *Secretary of State*
1960-61 .... $79,375
1961-62 .... $81,840

6. DEPARTMENT OF LAW

A. *Attorney General*
1960-61 .... $211,175
1961-62 .... $201,185

7. DEPARTMENT OF THE TREASURY

A. *State Treasurer*
1960-61 .... $104,200
1961-62 .... $105,160

8. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts*
1960-61 .... $153,060
1961-62 .... $155,940

9. DEPARTMENT OF FINANCE

A. *General Operations*
1960-61 .... $734,240
1961-62 .... $765,910

B. *Division of Services.* For general operations.
1960-61 .... $580,845
1961-62 .... $587,225

C. *Division of Services.* For operation of the Executive Mansion.
1960-61 .... $40,895
1961-62 .... $37,805

D. *Division of Services.* For operation of the Old Governor's Mansion.
1960-61 .... $13,800
1961-62 .... $14,260

E. *Records and Archives*
1960-61 .... $ 8,500
1961-62 .... $21,910

F. *Farm Study*
1960-61 ---------- $30,160
1961-62 ---------- $10,660

TOTAL—DEPARTMENT OF FINANCE
1960-61 ---------- $1,408,440
1961-62 ---------- $1,437,770

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10. DEPARTMENT OF PERSONNEL

A. *Department of Personnel*
1960-61 ---------- $151,945
1961-62 ---------- $153,430

Any unexpended balance at the end of the 1960-61 fiscal year shall carry forward to the 1961-62 fiscal year.

11. DEPARTMENT OF REVENUE

A. *General Operations*
1960-61 ---------- $1,792,560
1961-62 ---------- $1,825,390

B. *Reappraisals*
1960-61 ---------- $75,000
1961-62 ---------- $75,000

Any unexpended balance at the end of the 1960-61 fiscal year shall carry forward to the 1961-62 fiscal year.

C. *County Tax Commissioners*
1960-61 ---------- $1,545,000
1961-62 ---------- $1,575,000

TOTAL DEPARTMENT OF REVENUE
1960-61 ---------- $3,412,560
1961-62 ---------- $3,475,390

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12. ELECTIONS

A. *State Board of Election Commissioners*
1960-61 ---------- $825
1961-62 ---------- $825

B. *State Board of Registration and Purgation*
1960-61 ---------- $6,745
1961-62 ---------- $6,510

C. *County Elections—State Share*
1960-61 ---------- $152,000
1961-62 ---------- $152,000

D. *County Registration and Purgation Boards—State Share*
1960-61 ---------- $70,000
1961-62 ---------- $70,000

TOTAL—ELECTIONS

1960-61	$229,570
1961-62	$229,335

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13. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General*

1960-61	$332,345
1961-62	$336,415

B. *Armories—Rental*

1960-61	$121,720
1961-62	$121,720

C. *Repairs to Armories*

1960-61	$52,310
1961-62	$45,735

Any unexpended balance at the end of the 1960-61 fiscal year shall carry forward to the 1961-62 fiscal year.

D. *Civil Defense*

1960-61	$47,060
1961-62	$47,710

TOTAL—DEPARTMENT OF MILITARY AFFAIRS

1960-61	$553,435
1961-62	$551,580

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14. DISABLED EX-SERVICE MEN'S BOARD

A. *Disabled Ex-Service Men's Board*

1960-61	$133,490
1961-62	$135,150

15. DEPARTMENT OF AERONAUTICS

A. *General Operations*

1960-61	$272,525
1961-62	$194,450

B. *Emergency and Disaster Relief in Cooperation with Civil Air Patrol*

1960-61	$10,000
1961-62	$10,000

TOTAL—DEPARTMENT OF AERONAUTICS

1960-61	$282,525
1961-62	$204,450

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16. DEPARTMENT OF PUBLIC SAFETY

A. *Office of the Commissioner*

1960-61	$6,425
1961-62	$6,500

B. *Division of State Police*

1960-61	$544,290
1961-62	$594,805

C. *Division of Accident Control*

1960-61	$9,325
1961-62	$9,590

D. *Division of Fire Prevention*

1960-61	$308,000
1961-62	$306,100

TOTAL—DEPARTMENT OF PUBLIC SAFETY

1960-61	$868,040
1961-62	$916,995

17. DEPARTMENT OF ECONOMIC DEVELOPMENT

A. *General Operations*

1960-61	$693,800
1961-62	$683,345

B. *Special Projects*

1960-61	$128,500
1961-62	$128,500

Allotments to this account shall only be made on the approval of the Commissioner of Finance based upon the merits of individual projects.

TOTAL—DEPARTMENT OF ECONOMIC DEVELOPMENT

1960-61	$822,300
1961-62	$811,845

18. DEPARTMENT OF BUSINESS REGULATION

A. *Division of Athletic Control*

1960-61	$10,565
1961-62	$10,970

19. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *General Operations.* For general operations other than the Workmen's Compensation Board.

1960-61	$143,040
1961-62	$147,680

B. *Board of Claims.* For operating expenses in handling claims against the Commonwealth.

1960-61	$5,000
1961-62	$5,000

TOTAL—DEPARTMENT OF INDUSTRIAL RELATIONS

1960-61	$148,040
1961-62	$152,680

20. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals*

1960-61	$305,250
1961-62	$310,110

21. RAILROAD COMMISSION

A. *Railroad Commission*

1960-61	$35,370
1961-62	$35,700

22. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control*

1960-61	$259,830
1961-62	$261,050

23. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and the approval of the Commissioner of Finance and the Attorney General.

1960-61	The Amount Necessary
1961-62	The Amount Necessary

B. *Bonds of Elective and Appointive Officers.* For payment of premiums on bonds of elected and appointed State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State.

1960-61	$13,000
1961-62	$13,500

C. *Judgments.* For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General.

1960-61	$10,000
1961-62	$10,000

D. *Frankfort Cemetery*

1960-61	$250
1961-62	$250

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165.

1960-61	$300
1961-62	$300

F. *Statutes and Codes for Courts.* For the purpose only of purchasing from the Legislative Research Commission copies of the official statutes of Kentucky, and annotations thereto, codes of practice and procedure, together with supplements thereto, and administrative regulations compiled in accordance with KRS 57.340, except where the Legislative Research Commission does not publish such material and the Director of the Legislative Research Commission so certifies. In such case, the State Law Librarian is authorized to purchase said material from commercial sources. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year.

1960-61	$3,000
1961-62	$3,000

G. *Interstate Oil Compact*

1960-61	$1,000
1961-62	$1,000

H. *Special Legislative Claims*

1960-61	The Amount Necessary
1961-62	The Amount Necessary

I. *Back Tax Collections*

1960-61	The Amount Necessary
1961-62	The Amount Necessary

J. *Prior Year Claims*

1960-61	The Amount Necessary
1961-62	The Amount Necessary

K. *Public Improvements.* For paying assessments for public work against property owned by the State as provided by KRS 93.440 and 94.297.

1960-61	$7,000
1961-62	$7,000

L. *Board of Claims Awards.* For the payment of awards or judgments made by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund.

1960-61	$15,000
1961-62	$15,000

M. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission.

1960-61	$1,000
1961-62	$1,000

N. *Social Security for Circuit Clerks, Master Commissioners, and Court Reporters*

1960-61	$19,250
1961-62	$19,250

O. *Retirement – Circuit Clerks and Master Commissioners*

1960-61	$32,345
1961-62	$32,345

P. *Blanket Employee Surety Bonds.* For payment of premiums on blanket surety bonds as provided by KRS 62.170.

1960-61	$9,340
1961-62	$9,340

Q. *Presidential Electors Expense*

1960-61	$650

R. *Confederate Pensions*

1960-61	$5,750
1961-62	$4,400

S. *Paper for Election Ballots*

1960-61	$10,000
1961-62	$10,000

T. *Excess Auto and Aircraft Liability Inusrance*

1960-61	$4,450
1961-62	$5,685

TOTAL – APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1960-61	$132,335
1961-62	$132,070

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24. COUNTY COSTS

A. *Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks), Commissions on Fines and Forfeitures, Commonwealth's Attorneys, Return of Fugitives from Justice, County Highway Patrol, Premiums on Sheriff's Bonds, Pauper Idiots, and County Boards of Supervisors.*

All County Costs are deemed to be necessary governmental expenses and additional funds may be allotted by the Commissioner of Finance.

1960-61	$3,098,120
1961-62	$3,100,120

25. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1960-61	$44,325
1961-62	$44,850

26. DEPARTMENT OF INSURANCE

A. *General Operations*

1960-61	$341,050
1961-62	$331,000

27. KENTUCKY STATE HISTORICAL SOCIETY

A. *Kentucky State Historical Society*

1960-61 ---------- $50,525
1961-62 ---------- $41,970

28. LIBRARY EXTENSION DIVISION

A. *Library Extension*

1960-61 ---------- $427,250
1961-62 ---------- $517,625

29. DEPARTMENT OF PUBLIC RELATIONS

A. *General Operations.* For all divisions except industrial promotion.

1960-61 ---------- $331,305
1961-62 ---------- $333,905

B. *Division of Industrial Promotion*

1960-61 ---------- $307,000
1961-62 ---------- $294,900

TOTAL–DEPARTMENT OF PUBLIC RELATIONS

1960-61 ---------- $638,305
1961-62 ---------- $628,805

TOTAL–GENERAL GOVERNMENT

1960-61 ---------- $15,739,919
1961-62 ---------- $16,376,169

II. HEALTH AND WELFARE

30. DEPARTMENT OF WELFARE

A. *Central Office.* For expenses of the Office of the Commissioner, Division of Staff Services, and Division of Farm Management.

1960-61 ---------- $176,520
1961-62 ---------- $178,870

B. *Kentucky Training Home*

1960-61 ---------- $ 956,075
1961-62 ---------- $1,036,605

C. *Penal Institutions.* For expenses of Kentucky State Reformatory, Kentucky State Penitentiary, Women's Prison, and Division of Corrections.

1960-61 ---------- $2,357,610
1961-62 ---------- $2,380,320

D. *Division of Probation and Parole*

1960-61 ---------- $482,700
1961-62 ---------- $490,365

E. *Parole Board*

1960-61 ---------- $39,110
1961-62 ---------- $39,385

F. *Children's Services.* For expenses of the Division of Children's Institutions, Kentucky Village, Kentucky Children's Home, Reception Center, and Boy's Camp.

1960-61	$1,268,470
1961-62	$1,289,260

G. *Maintenance of Buildings*

1960-61	$100,000
1961-62	$100,000

For maintenance projects that are approved by the Commissioner of the Department of Finance after which funds shall be allotted. Any unencumbered balance remaining at the end of the first fiscal year of the biennium shall be carried forward to the next fiscal year.

TOTAL—DEPARTMENT OF WELFARE

1960-61	$5,380,485
1961-62	$5,514,805

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31. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in effect or hereinafter enacted and under any act of Congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also, for the administration of Old Age Assistance, Aid to Dependent Children, Services to Needy Children, Aid to the Needy Blind, and Aid to the Permanently and Totally Disabled, including cost to the State Treasurer for preparing, printing, and issuing checks for recipients of public assistance programs and any activities financed solely from state funds.

A. *Public Assistance — Administration.* Notwithstanding the provisions of KRS 45.235, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1960-61	$1,651,515
1961-62	$1,778,140

B. *Public Assistance—Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, Aid to Dependent Children, and Aid to the Permanently and Totally Disabled, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor.

1960-61	$15,806,490
1961-62	$15,907,640

C. *Indigent Medical Care—Administration.* For the costs of administering an indigent medical care program approved by the Department of Economic Security, including costs to the Department of Health not to exceed $50,000 each year of the biennium for services provided in relation to the administration of the indigent medical care program. This appropriation is contingent upon new legislation on indigent medical care being passed by the General Assembly or a contract between the Departments of Economic Security and Health defining the responsibilities of each. No funds shall be allotted by the Commissioner of Finance until one or both of these conditions are fulfilled. Any unencumbered balance at the end of the first year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1960-61 ------------------------------$100,000
1961-62 ------------------------------$135,000

D. *Indigent Medical Care—Benefits.* For medical care benefits under those categories of indigent medical care adopted by the Department of Economic Security; provided, however, that only those categories or classes of medical care in which matching federal funds are available shall be initiated during this biennium. This appropriation is contingent upon new legislation on indigent medical care being passed by the General Assembly or a contract between the Departments of Economic Security and Health defining the responsibilities of each department in administering this program. No funds shall be allotted by the Commissioner of Finance before January 1, 1961, and not then until at least one of these conditions is fulfilled; moreover, no funds appropriated for benefits shall be used for administration. Any funds remaining at the end of the first year of the biennium shall be carried forward into the second year of the biennium.

1960-61 ------------------------------$467,000
1961-62 ------------------------------$935,000

E. *Children's Services — Administration.* Notwithstanding the provisions of KRS 45.236, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1960-61 ------------------------------$659,550
1961-62 ------------------------------$811,500

F. *Children's Services—Benefits* For boarding home care, medical care, and other benefit expenses, and not to be used for costs of administration. Any unencumbered balance at the end of the first fiscal year of the biennium shall be carried forward to the second year.

1960-61 ------------------------------$306,900
1961-62 ------------------------------$335,400

G. *Division of Personnel Security.* For state's share of expenses in administering the Federal Social Security Act.

1960-61 ------------------------------$18,690
1961-62 ------------------------------$19,225

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1960-61 ----------------------------$19,010,145
1961-62 ----------------------------$19,921,905

32. DEPARTMENT OF HEALTH

A. *General Operations*

1960-61	$1,638,615
1961-62	$1,736,235

B. *County Health*

1960-61	$2,270,965
1961-62	$2,500,085

Any unexpended balance at the end of the 1960-61 fiscal year shall carry forward to the 1961-62 fiscal year.

C. *Covington-Kenton County Tuberculosis Sanatorium*

1960-61	$49,200
1961-62	$49,200

If at any time during the biennium the State Tuberculosis Hospital Commission finds that it has adequate facilities to treat tuberculosis patients in Covington and Kenton Counties, any unexpended funds shall be transferred to the Commission, any provisions of KRS 215.320-215.345 to the contrary notwithstanding. The Commissioner of Finance shall take necessary action to transfer any unexpended funds to the Tuberculosis Hospital Commission upon the receipt of a certificate by the Commission that adequate facilities exist. The transfer of funds shall be effected at the beginning of the next quarterly allotment following receipt of the certificate.

D. *Warren County Tuberculosis Sanatorium*

1960-61	$27,000
1961-62	$27,000

If at any time during the biennium the State Tuberculosis Hospital Commission finds that it has adequate facilities to treat tuberculosis patients in Warren County, any unexpended funds shall be transferred to the Commission, any provisions of KRS 215.320-215.345 to the contrary notwithstanding. The Commissioner of Finance shall take necessary action to transfer any unexpended funds to the Tuberculosis Hospital Commission upon the receipt of a certificate by the Commission that adequate facilities exist. The transfer of funds shall be effected at the beginning of the next quarterly allotment following receipt of the certificate.

E. *Waverly Hills Tuberculosis Sanatorium*

1960-61	$294,000

Any unexpended funds remaining after patients are transferred to hospitals operated by the State Tuberculosis Hospital Commission shall be transferred to the Commission. The Commissioner of Finance shall take the necessary action to transfer these funds when the Commission certifies that the transfer of patients to state institutions has been completed.

F. *Water Pollution Control Commission*

1960-61	$111,300
1961-62	$111,815

G. *American Society for Control of Cancer—Kentucky Division*

1960-61	$ 45,000
1961-62	$ 45,000

H. *Rural Medical Scholarship Fund.* To be expended for the purposes of the present rural medical scholarship fund only.

1960-61	$ 25,000
1961-62	$ 25,000

I. *Rural Dental Scholarship Fund.* To be expended for the purpose of the present rural dental scholarship fund only.

1960-61	$ 15,000
1961-62	$ 15,000

J. *King's Daughters' Home for the Incurables*

1960-61	$ 38,000
1961-62	$ 38,000

K. *Vital Statistics*

1960-61	$ 25,000

Any unexpended balance existing at the end of fiscal year 1960-61 shall be carried forward to fiscal year 1961-62.

TOTAL—DEPARTMENT OF HEALTH

1960-61	$4,539,080
1961-62	$4,547,335

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33. KENTUCKY CRIPPLED CHILDREN COMMISSION

A. *Kentucky Crippled Children Commission*

1960-61	$695,410
1961-62	$714,680

34. STATE TUBERCULOSIS HOSPITAL COMMISSION

A. *State Tuberculosis Hospital Commission.* For administration and operation expenses of the Commission and institutions under its control and supervision.

1960-61	$3,196,730
1961-62	$3,594,670

35. DEPARTMENT OF MENTAL HEALTH

A. *General Operations*

1960-61	$8,729,500
1961-62	$8,845,650

B. *New and Expanded Programs*

1960-61	$ 929,900
1961-62	$1,197,885

For allotment only upon initiation of approved new and expanded programs. These funds may be transferred to the Department of Mental Health appropriation for General Operations as such programs are initiated.

C. *Deferred Maintenance*

1960-61	$100,000
1961-62	$100,000

For deferred maintenance projects that are approved by the Commissioner of the Department of Finance after which funds shall be allotted. Any unencumbered balance remaining at the close of the first fiscal year of the biennium shall be carried forward to the next fiscal year.

TOTAL—DEPARTMENT OF MENTAL HEALTH
1960-61 .... $ 9,759,400
1961-62 .... $10,143,535

36. KENTUCKY COMMISSION ON ALCOHOLISM

A. *Kentucky Commission on Alcoholism*
1960-61 .... $44,230
1961-62 .... $44,930

TOTAL—II. HEALTH AND WELFARE
1960-61 .... $42,625,480
1961-62 .... $44,481,860

III. EDUCATION

37. DEPARTMENT OF EDUCATION

A. *General Operations.* For expenses of the divisions within the department and the State Board of Education.
1960-61 .... $916,440
1961-62 .... $969,395

B. *Division of Education for Veterans (Veterans' Approval Agency).* For payment of administrative expenses in connection with the approval of educational institutions for training and educating veterans for which reimbursement is made by the Federal Government. This appropriation shall not lapse at the end of the fiscal year 1960-61, but shall be available during the second year of the biennium.
1960-61 .... $ 14,000

C. *School Foundation Program*
1960-61 .... $ 95,861,100
1961-62 .... $103,261,100

The State Board of Education shall not approve any working budget or salary schedule for local boards of education for the school years 1960-61 and 1961-62 in which the total amount budgeted for teachers' salaries is not equal to the amount budgeted for teachers' salaries in 1959-60 plus the additional amount for teachers' salaries and guarantee received by the district under this appropriation. The amount which any district receives under any guarantee provision shall be presumed to be for teachers' salaries and shall be placed in the teachers' salaries budget and allotted to the various teachers' salary ranks in a proportionate manner in keeping with KRS 157.390. No working budget or salary schedule shall be approved in which the average salary paid any rank of teacher is not at least equivalent to the allotment for that rank and in which any teacher is paid less than ninety per cent of the Foundation Program allotment for that rank.

The Superintendent of Public Instruction shall not allot to any school district more basic classroom units than the number of teachers employed by that school district for basic classroom units. Entitlement for basic classroom units obtained in schools or buildings of one classification shall not be allocated to schools or buildings of another classification, for which purposes the classifications shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and,

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

The Superintendent of Public Instruction shall allot classroom units for superintendents, principals, their certified assistants and special instructional personnel as provided in KRS 157.360, subsection 6, only for personnel who are qualified for their respective positions under provisions of law and regulations of the State Board of Education and who maintain programs approved under regulations of the State Board of Education.

The number of units allotted by the Superintendent of Public Instruction for vocational education and the education of exceptional children shall not exceed the following:

	1960-61	1961-62
Vocational Agriculture	260	265
Vocational Home Econmics	365	370
Trade and Industrial	100	100
Distributive Occupations	25	30
Exceptional Children	215	250

The Superintendent of Public Instruction shall not allot a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance and no full classroom units shall be allotted for any one-teacher school which has fewer than 12 pupils in average daily attendance.

Facilities that are used to house school children shall be approved by the Superintendent of Public Instruction under KRS 162.060 and 162.160. No alterations or additions of old buildings shall be made without prior approval of the Superintendent of Public Instruction. No space shall be rented or purchased and converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board of Education may adopt regulations for the approval on an annual basis of temporary facilities for the housing of school children but these regulations shall not permit the division of any present room by partitions of nonstructural material. No classroom units shall be allotted for a second teacher in the same classroom. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than nine scholastic months or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units provided for by regulations of the State Board of Education.

If at the time of the tentative allotment of school funds under KRS 157.310 through 157.440, it shall be determined that insufficient revenue is available to finance in full the Foundation Program, the Superintendent of Public Instruction shall not allot any classroom units under the special growth or loss provisions of KRS 157.360, subsection 3.

So much of the public school foundation program fund, which would not be distributed during 1960-61 due to the failure of one or more participating districts to meet the full requirements, shall be held in account for distribution the following year among districts which meet requirements for participation. Any unexpended balance in the Foundation Program Fund at the end of fiscal year 1959-60 shall be made available for expenditure during 1960-61 and 1961-62.

D. *Free Textbooks.*

1. For the purchase of textbooks as provided for in KRS 157.100 and 157.900.

1960-61	$2,300,000
1961-62	$2,300,000

2. For the purchase of high school textbooks.

1960-61	$540,000
1961-62	$550,000

To be expended in accordance with regulations of the State Board of Education.

E. *Out-of-District Children*

1960-61	$35,000
1961-62	$35,000

F. *Kentucky School for the Blind*

1960-61	$264,375
1961-62	$275,760

G. *Kentucky School for the Deaf*

1. *General Operations*

1960-61	$459,730
1961-62	$487,250

2. *Maintenance Projects*

1960-61	$40,700
1961-62	$20,000

For deferred maintenance projects that are approved by the Commissioner of the Department of Finance after which funds shall be allotted. Any unencumbered balance remaining at the close of the first fiscal year of the biennium shall be carried forward to the next fiscal year.

H. *Mayo State Vocational School*	
1960-61	$437,840
1961-62	$399,185
I. *Northern Kentucky Vocational School*	
1960-61	$ 90,660
1961-62	$106,100
J. *West Kentucky Vocational School*	
1960-61	$167,650
1961-62	$179,350
K. *Bureau of Rehabilitation Services*	
1960-61	$306,160
1961-62	$320,485

Any unexpended balance at the end of the first fiscal year of the biennium not to exceed $10,000 shall be carried over to the second year.

L. *Kentucky Industries for the Blind*	
1960-61	$36,500
1961-62	$35,000
M. *Itinerant Instruction*	
1960-61	$8,765
1961-62	$9,235
N. *Practical Nurse Training Program*	
1960-61	$82,400
1961-62	$93,000
O. *Trade and Industrial Education*	
1960-61	$353,600
1961-62	$439,500
P. *Technician Training Program*	
1960-61	$121,000
1961-62	$113,820
Q. *Distributive Education Adult Program*	
1960-61	$ 8,085
1961-62	$11,920
R. *Rural Development Program*	
1960-61	$91,730
1961-62	$93,580
S. *Future Farmer Leadership Training Camp*	
1960-61	$18,180
1961-62	$18,445

TOTAL – DEPARTMENT OF EDUCATION	
1960-61	$102,153,915
1961-62	$109,718,125

38. COUNCIL ON PUBLIC HIGHER EDUCATION

A. *Council on Public Higher Education.* To be expended for administration of the Veterinary Medicine Scholarship Program, the

Medical Education Program, Forestry Scholarship Program, Blind and Deaf Teacher Training Scholarship Program, and Public Health Scholarship Program.

B. *Southern Regional Education Board.* For participation in the activities of the Southern Regional Education Board including the Mental Health Council and the Veterinary Medicine Program, Forestry Program, Blind and Deaf Teachers, and Public Health Scholarship Program.

1960-61	$115,400
1961-62	$118,400

C. *Medical Education Program*

1960-61	$500,000
1961-62	$500,000

D. *Musical Education*

1960-61	$53,000
1961-62	$53,000

TOTAL – COUNCIL ON PUBLIC HIGHER EDUCATION

1960-61	$668,400
1961-62	$671,400

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39. UNIVERSITY OF KENTUCKY

A. *University of Kentucky*

1960-61	$ 9,732,200
1961-62	$11,139,800

B. *Medical Center*

1960-61	$1,975,300
1961-62	$3,507,000

C. *Geological Projects*

1960-61	$503,860
1961-62	$803,860

TOTAL – UNIVERSITY OF KENTUCKY

1960-61	$12,211,360
1961-62	$15,450,780

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40. EASTERN KENTUCKY STATE COLLEGE

A. *Eastern Kentucky State College*

1960-61	$1,648,300
1961-62	$2,048,850

41. MOREHEAD STATE COLLEGE

A. *Morehead State College*

1960-61	$1,245,900
1961-62	$1,532,990

42. MURRAY STATE COLLEGE

A. *Murray State College*

1960-61	$1,559,900
1961-62	$1,899,350

43. WESTERN KENTUCKY STATE COLLEGE

A. *Western Kentucky State College*

1960-61	$1,640,850
1961-62	$2,057,960

44. KENTUCKY STATE COLLEGE

A. *Kentucky State College*

1960-61	$697,600
1961-62	$829,390

45. TEACHER'S RETIREMENT SYSTEM

A. *Teachers' Retirement System.* For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 to 161.710.

1960-61	$7,125,000
1961-62	$7,600,000

46. LINCOLN INSTITUTE

A. *Lincoln Institute*

1960-61	$183,040
1961-62	$187,420

TOTAL–III. EDUCATION

1960-61	$129,134,265
1961-62	$141,996,265

IV. AGRICULTURE AND CONSERVATION

47. DEPARTMENT OF AGRICULTURE

A. *General Operations*

1960-61	$673,360
1961-62	$667,200

B. *Livestock Sanitation and Disease Control*

1960-61	$600,000
1961-62	$600,000

TOTAL–DEPARTMENT OF AGRICULTURE

1960-61	$1,273,360
1961-62	$1,267,200

48. STATE FAIR BOARD

A. *State Fair Board*

1960-61	$385,000
1961-62	$385,000

B. *County and Community Fair Premiums*

1960-61	$35,000
1961-62	$35,000

TOTAL–STATE FAIR BOARD

1960-61	$420,000
1961-62	$420,000

49. DEPARTMENT OF CONSERVATION

A. *Office of the Commissioner*

1960-61	$90,345
1961-62	$88,520

B. *Division of Forestry*

1960-61	$ 939,105
1961-62	$1,003,365

C. *Division of Parks*

1960-61	$236,280
1961-62	$238,650

D. *Division of Soil and Water Resources*

1960-61	$158,480
1961-62	$154,665

E. *Specialized Equipment Revolving Fund*

1960-61	$200,000

Any unexpended funds remaining at the end of the fiscal year 1960-61 shall carry forward.

F. *Division of Flood Control and Water Usage*

1960-61	$125,270
1961-62	$ 59,280

G. *Ohio River Valley Water Sanitation Commission*

1960-61	$27,560
1961-62	$27,560

TOTAL–DEPARTMENT OF CONSERVATION

1960-61	$1,777,040
1961-62	$1,572,040

50. BREAKS INTERSTATE PARK COMMISSION

A. *Breaks Interstate Park Commission.* For matching the Commonwealth of Virginia in the construction, maintenance and operation of Breaks Interstate Park.

1960-61	$67,250
1961-62	$67,250

This appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis provided, however, appropriations to date shall be considered cumulatively and any deficit in appropriations by this State may be removed. The Commissioner of Finance shall be responsible for ensuring that only the amount necessary for matching on an equal basis is allotted.

TOTAL – IV. AGRICULTURE AND CONSERVATION

1960-61	$3,537,650
1961-62	$3,326,490

V. OTHER

51. DEPARTMENT OF FINANCE

A. *Capital Construction.* For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. Any unencumbered balance of this appropriation and of prior capital construction appropriations including balances of appropriations of the State Property and Buildings Commission which were transferred to the Department of Finance by Chapter 56 of the Kentucky Revised

Statutes and which remain on June 30, 1960, may be expended thereafter and shall not lapse but shall be carried forward until expended. All monies transferred to the Department of Finance for capital construction from other appropriations in accordance with KRS 56.510 shall not lapse but shall be carried forward until expended. For specific projects refer to the capital outlay document for the 1960-62 biennium. The amount of funds necessary for the activation inventory for the entire medical center shall be expended from the unexpended balance of the appropriation made in Chapter 2, Acts of the General Assembly of the Commonwealth of Kentucky, 1958.

1960-61	$9,844,830
1961-62	$6,835,800

B. *Veterans Bonus Bonds.* For debt administration.

1960-61	Amount Necessary
1961-62	Amount Necessary

For paying principal and interest on bonds issued to pay a veterans bonus to veterans of the Spanish American War, World War I, World War II, and the Korean Conflict.

TOTAL – V. OTHER

1960-61	$9,844,830
1961-62	$6,835,800

PART TWO

STATE ROAD FUND

There is established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all the revenue realized from fees, taxes and license fees levied for state road purposes now authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid, bond funds, or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1960, and June 30, 1961, shall constitute the State Road Fund for the fiscal years 1960-61 and 1961-62. There is appropriated from the State Road Fund the following amounts for the following departments, agencies, and subdivisions of the State Government, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions, and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act; provided, however, that an annual budget for each fiscal year shall be submitted by the Department of Highways as required by Part Two, Section III of this Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of Five Million Dollars ($5,000,000) for each of the fiscal years 1960-61 and 1961-62. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six per cent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction, and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.220, 138.565, and 177.320. This appropriation is in addition to the amount appropriated under Section I, Subsection 2, Paragraph A, of Part Two of the Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF THE TREASURY

A. *Department of the Treasury.* For expenses pertaining to treasury administration for the Department of Highways.

1960-61	$69,460
1961-62	$70,120

4. DEPARTMENT OF FINANCE

A. *Department of Finance General Operations.* For expenses pertaining to financial administration for the Department of Highways.

1960-61	$248,105
1961-62	$253,410

B. *Division of Services.* For expenses of operation of buildings for the Department of Highways and State Police Barracks.

1960-61	$173,105
1961-62	$175,570

TOTAL – DEPARTMENT OF FINANCE

1960-61	$421,210
1961-62	$428,980

5. DEPARTMENT OF PERSONNEL

A. *Department of Personnel.* For expenses pertaining to personnel administration for the Department of Highways.

1960-61	$117,965
1961-62	$118,955

6. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration and other laws relating to motor vehicles and highways.

1960-61	$ 986,860
1961-62	$1,007,310

7. DEPARTMENT OF PUBLIC SAFETY

A. *Office of the Commissioner.* For expenses pertaining to the enforcement of laws relating to highway use and safety.

1960-61	$51,985
1961-62	$52,575

B. *Division of State Police.* For expenses pertaining to the enforcement of laws relating to highway use and safety.

1960-61	$4,403,810
1961-62	$4,812,515

C. *Division of Accident Control.* For expenses pertaining to the enforcement of laws relating to highway use and safety.

1960-61	$75,460
1961-62	$77,575

D. *Division of Driver Licensing.* For expenses pertaining to the central issuance of driver licenses and the enforcement of laws relating to motor vehicle operators' responsibility.

1960-61	$340,735
1961-62	$379,090

TOTAL – DEPARTMENT OF PUBLIC SAFETY

1960-61	$4,871,990
1961-62	$5,321,755

8. UNIVERSITY OF KENTUCKY

A. *University of Kentucky Geological Projects.* For expenses pertaining to the acquisition of data used in highway planning and construction.

1960-61	$88,125
1961-62	$88,125

9. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1960-61	$448,170
1961-62	$453,515

10. DEPARTMENT OF PUBLIC RELATIONS

A. *General Operations.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists.

1960-61	$250,000
1961-62	$250,000

TOTAL – APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1960-61	$7,253,780
1961-62	$7,738,760

III. ADMINISTRATION AND EFFECT

The Department of Highways shall submit an annual budget for each fiscal year to the Department of Finance for approval by the Commissioner of Finance immediately before the fiscal year begins. The budget shall be based upon the most current state road fund revenue estimates and contractual and non-contractual federal aid in which the Department will be eligible to receive during that fiscal year.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes except where additional requirements are imposed by this Act. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year to the State Road Fund ending June 30, 1960.

PART THREE

REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1961, and for the fiscal year ending June 30, 1962, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, bond proceeds, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1960-61 or fiscal year 1961-62 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Appropriation Act, the excess is appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Commissioner of Finance and approval of the Governor.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, during the fiscal year ending June 30, 1961, and during the fiscal year ending June 30, 1962, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30, of the then current fiscal year, by the Department of Finance.

I. GENERAL GOVERNMENT

1. LEGISLATIVE RESEARCH COMMISSION

A. *Statute Revision—Administrative Regulations*

1960-61	$5,200
1961-62	$1,675

B. *Statute Revision Commission – Printing Revolving Fund.* To be used for the printing and the distribution costs of the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes, and supplements to these publications. Reimbursement shall be made to this account from sales of these publications.

1960-61	$38,360
1961-62	$ 7,445

2. JUDICIARY

A. *Board of Bar Examiners*

1960-61	$10,110
1961-62	$ 9,570

3. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts*

1960-61	$36,300
1961-62	$36,150

4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.* The balance in the Paper Revolving Fund and all receipts credited to the Fund during the 1960-61 fiscal year and during the 1961-62 fiscal year are appropriated for use during that period.

B. *Division of Services Revolving Fund.* To be used in purchasing and providing stamps and postage, supplies, equipment and utility services for the various budget units of State Government who shall make reimbursement for same. Accounting practices shall reflect the current financial status of each function performed with funds in this account. Any unexpended balance remaining at the end of the fiscal year 1960-61 shall not lapse, but shall be available for expenditure during the following fiscal year.

C. *Central Stores Revolving Fund.* The balance in this Fund and all receipts credited to this Fund during the 1960-61 and 1961-62 fiscal year are appropriated for the use in purchasing supplies and services for the various budget units of State Government who shall make reimbursement for same. Any unexpended balance remaining at the end of the fiscal year 1960-61 shall not lapse but shall be available for expenditure during the following fiscal year.

D. *Capital Construction.* All real estate rentals, sales and other receipts including balance brought forward as provided in KRS, Chapter 56.

5. DEPARTMENT OF AERONAUTICS

A. *General Operations*
1960-61 ---------------------------------- $8,000
1961-62 ---------------------------------- $8,000

B. *Airport Development.* All federal and local aid received.

6. DEPARTMENT OF MILITARY AFFAIRS

A. *Department of Military Affairs*

7. DEPARTMENT OF PUBLIC SAFETY

A. *Division of State Police*
1960-61 -------------------------------- $215,370
1961-62 -------------------------------- $215,370

8. DEPARTMENT OF ECONOMIC DEVELOPMENT

A. *General Operations*
1960-61 -------------------------------- $ 97,000
1961-62 -------------------------------- $114,000

B. *Capital City Metropolitan Plan*
1960-61 ---------------------------------- $3,800

9. DEPARTMENT OF BUSINESS REGULATION

A. *Board of Accountancy*
B. *Board of Psychology*
C. *Board of Examiners and Registration of Architects*
D. *Board of Barber and Beautician Examiners*
E. *Board of Chiropractic Examiners*
F. *Board of Dental Examiners*
G. *Board of Embalmers and Funeral Directors*
H. *Board of Pharmacy*
I. *Board of Prophylactic Enforcement*
J. *Board of Nursing Education and Nurse Registration*
K. *Board of Veterinary Examiners*
L. *Board of Registration for Professional Engineers*
M. *Kentucky Real Estate Commission*
N. *Board of Optometric Examiners*
O. *Board of Chiropody*
P. *Board of Ophthalmic Dispensers*
Q. *Board of Examiners in Watchmaking*
R. *Board of Physical Therapy*

10. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations—Workmen's Compensation Board.*
1960-61 -------------------------------- $322,020
1961-62 -------------------------------- $326,520

11. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals*

1960-61	$52,950
1961-62	$53,280

12. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expense*

1960-61	$5,000
1961-62	$5,000

13. DEPARTMENT OF BANKING

A. *Department of Banking*

1960-61	$197,030
1961-62	$200,500

B. *Division of Securities*

1960-61	$29,100
1961-62	$30,400

14. COUNTY FEES

A. *Jefferson County Master Commissioner*

B. *Jefferson County Receiver*

C. *County Fees for the Following Counties: Jefferson, Kenton, Fayette, Campbell, and Pike.* For paying the various officials of each county enumerated above, seventy-five per cent (75%) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of each of these counties twenty-five per cent (25%) of said fees as required by KRS 64.350.

15. TRUCK LICENSES – COUNTY SHARE

A. *Truck Licenses – County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

16. DEPARTMENT OF INSURANCE

Notwithstanding any provisions of KRS 136.360, 234.160, 228.030 and 304.463 to the contrary, the following receipts only are authorized to be placed to the credit of the Trust and Agency Fund and are authorized for expenditure out of the Trust and Agency Fund. All other receipts collected during the 1960-62 biennium shall be placed to the credit of the General Expenditure Fund.

A. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

B. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.503. Notwithstanding the provisions of KRS 304.035 to the contrary, any amount unexpended at the end of the 1959-60 fiscal year and each fiscal year thereafter in excess of $10,000 shall lapse to the General Expenditure Fund.

C. *State Fire and Tornado Insurance Fund.* All money remaining in the Fund as of June 30, 1960, and all money placed to the credit of the Fund during the 1960-62 biennium, except that notwithstanding the provision of KRS 56.150 to the contrary, no funds may be used for expenses of administration.

17. KENTUCKY HISTORICAL SOCIETY

A. *Kentucky Historical Society*

1960-61	$8,400
1961-62	$8,500

18. LIBRARY EXTENSION DIVISION

A. *Library Extension Division*

1960-61	$227,320
1961-62	$225,400

19. PUBLIC SERVICE COMMISSION

A. *Public Service Commission*

1960-61	$258,090
1961-62	$261,300

20. DEPARTMENT OF PUBLIC RELATIONS

A. *General Operations*

1960-61	$2,800
1961-62	$2,800

II. HEALTH AND WELFARE

1. DEPARTMENT OF WELFARE

A. *Central Office*

B. *Kentucky Training Home*

1960-61	$40,000
1961-62	$39,080

C. *Penal Institutions*

1960-61	$173,000
1961-62	$174,600

D. *Children's Services*

1960-61	$28,260
1961-62	$25,510

E. *Prison Industries*

1960-61	$876,965
1961-62	$919,340

2. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security*

3. DEPARTMENT OF HEALTH

A. *General Operations*

1960-61	$1,207,160
1961-62	$1,214,600

B. *County Health*

1960-61	$135,235
1961-62	$134,890

C. *Water Pollution Control Commission*
1960-61 ------------------------------ $54,300
1961-62 ------------------------------ $54,300

4. KENTUCKY CRIPPLED CHILDREN COMMISSION

A. *Kentucky Crippled Children Commission*
1960-61 ------------------------------ $651,900
1961-62 ------------------------------ $639,400

5. STATE TUBERCULOSIS HOSPITAL COMMISSION

A. *State Tuberculosis Hospital Commission*
1960-61 ------------------------------ $94,550
1961-62 ------------------------------ $94,550

6. DEPARTMENT OF MENTAL HEALTH

A. *Department of Mental Health*
1960-61 ------------------------------ $866,100
1961-62 ------------------------------ $866,250

7. KENTUCKY COMMISSION ON ALCOHOLISM

A. *Kentucky Commission on Alcoholism*

III. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *General Operations*
1960-61 ------------------------------ $325,925
1961-62 ------------------------------ $292,650

B. *School Foundation Program*
C. *Veterans' Approval Agency*
D. *School Lunch Program*
E. *School Milk Program*
F. *Guidance Grants to Local Districts*
G. *Mathematics, Science, and Foreign Language Grants to Local Districts*
H. *Young and Adult Farmer Program*
1960-61 ------------------------------ $508,800
1961-62 ------------------------------ $508,800
I. *Itinerant Instruction*
1960-61 ------------------------------ $8,765
1961-62 ------------------------------ $9,235
J. *Home Economics Adult Program*
1960-61 ------------------------------ $275,000
1961-62 ------------------------------ $275,000
K. *Practical Nurse Training Program*
1960-61 ------------------------------ $103,000
1961-62 ------------------------------ $103,000
L. *Trade and Industrial Education*
1960-61 ------------------------------ $310,500
1961-62 ------------------------------ $247,500
M. *Technician Training Program*

N.	*Distributive Education Adult Program*	
	1960-61	$47,950
	1961-62	$47,950
O.	*Institutional On-Farm Training Program*	
	1960-61	$257,290
	1961-62	$137,290
P.	*Division of Property Utilization*	
	1960-61	$291,760
	1961-62	$297,730
Q.	*Mayo State Vocational School*	
	1960-61	$164,080
	1961-62	$157,800
R.	*Northern Kentucky State Vocational School*	
	1960-61	$12,540
	1961-62	$ 3,500
S.	*West Kentucky State Vocational School*	
	1960-61	$44,700
	1961-62	$39,700
T.	*Bureau of Rehabilitation Services*	
	1960-61	$549,860
	1961-62	$585,845
U.	*Kentucky Industries for the Blind*	
	1960-61	$170,040
	1961-62	$171,315
V.	*Business Enterprises Program*	
	1960-61	$ 9,820
	1961-62	$10,300
W.	*OASI Disability Determination Program*	
X.	*School for the Blind*	
Y.	*School for the Deaf*	
	1960-61	$4,000
	1961-62	$4,000

2. UNIVERSITY OF KENTUCKY

A.	*University of Kentucky*	
	1960-61	Amount Received
	1961-62	Amount Received
B.	*Medical Center*	
	1960-61	$ 34,630
	1961-62	$103,500

3. EASTERN STATE COLLEGE

A.	*Eastern State College*	
	1960-61	Amount Received
	1961-62	Amount Received

4. WESTERN STATE COLLEGE

A.	*Western State College*	
	1960-61	Amount Received
	1961-62	Amount Received

5. MURRAY STATE COLLEGE

A. *Murray State College*

1960-61	Amount Received
1961-62	Amount Received

6. MOREHEAD STATE COLLEGE

A. *Morehead State College*

1960-61	Amount Received
1961-62	Amount Received

7. KENTUCKY STATE COLLEGE

A. *Kentucky State College*

1960-61	Amount Received
1961-62	Amount Received

8. TEACHERS' RETIREMENT SYSTEM

A. *Teachers' Retirement System*

9. LINCOLN INSTITUTE

A. *Lincoln Institute*

1960-61	$101,000
1961-62	$101,000

IV. AGRICULTURE AND CONSERVATION

1. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture*

1960-61	$242,280
1961-62	$245,625

B. *Dog Law—Administration and Indemnities and County Share*

2. STATE FAIR BOARD

A. *State Fair Board*

3. DEPARTMENT OF CONSERVATION

A. *Division of Forestry*

1960-61	$580,460
1961-62	$607,315

B. *Division of Parks*

1960-61	$2,383,000
1961-62	$2,383,000

C. *Division of Strip Mining and Reclamation*

1960-61	$67,495
1961-62	$69,240

D. *Division of Soil and Water Resources*

4. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

A. *Department of Fish and Wildlife Resources.*

5. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission*

PART FOUR

GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1960, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purpose for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report, and supporting work papers, as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Expenditure Fund and to the General Road Fund from which these appropriations are made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Part 1 of this Act shall not exceed the total financial resources anticipated to accrue to the General Expenditure Fund and that the expenditures for each fiscal year under Part 2 of this Act shall not exceed the total financial resources anticipated to accrue to the General Road Fund for the same fiscal year respectively. As the conditions can not be fully determined until after the adjournment of the 1960 General Assembly, and as the needs of each officer, department, board, agency, commission, institution, or subdivision of the State Government and the total financial resources accruing to the General Expenditure Fund and General Road Fund can not be fully determined at this time, it is the intention and the purpose of this General Assembly that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution or subdivision of the State Government, and to ascertain the total financial resources anticipated to accrue to the General Expenditure Fund and General Road Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is authorized, empowered and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made

in Part 1 and Part 2 to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. Receipts in excess of $142,000,000 in the fiscal year 1959-60 together with any additions resulting from liquidation of encumbrances on June 30, 1960 are appropriated to the Department of Finance to be used solely for Capital Construction in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. Receipts in excess of $212,000,000 in the fiscal year 1960-61, not to exceed $500,000, are hereby appropriated to the Governor's General Emergency Fund to be used by him for the fiscal year 1961-62 for supplementing existing appropriations for ordinary recurring and extraordinary governmental expenses deemed emergencies by the Governor. Receipts in excess of $212,500,000 in the fiscal year 1960-61 are hereby appropriated to the Department of Finance to be used solely for Capital Construction in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. Any amount in excess of $6,000,000 of the lapse and surplus at the end of the 1960-61 fiscal year is hereby appropriated to the Department of Finance to be used for Capital Construction in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

4. It is the intent of the General Assembly that funds appropriated for expanded or new programs shall not be used for continuation programs. Therefore, the Commissioner of Finance shall take the proper action to insure that only those funds necessary to initiate and administer the new and expansion programs through the remainder of the biennium are allotted to the various budget units.

5. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law, and if any section or any subsection thereof shall be held invalid, or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

6. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, except as provided by Chapters 12, 42, 45, 56, 157, 177, and 341 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactment, to the extent of such conflict, are repealed.

Committee on Kentucky Statutes #3 reported **HB 168, HB 251,**

HB 226, **HB 49** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 168, AN ACT providing for the orderly review of the provisions of the Constitution of the Commonwealth, and making an appropriation, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) A Constitution Revision Committee is hereby created as an agency of the Legislative Research Commission to carry on a program of study, review, examination and exposition of the Constitution of Kentucky, in connection with the action taken by the 1959 Extraordinary Session of the 1958 General Assembly in enacting House Bill No. 1, and the amendatory provisions thereof. The program shall be so designed and carried on as to conduct any and all reasonable and appropriate studies, surveys, analyses, and reports pertaining to or having a bearing thereon; to analyze and appraise such suggestions for amendment or revision as may be made by any person or persons, groups, or organizations pertaining to or in opposition thereto; and to bring to public attention such proposals for revision or amendment of the Constitution in accordance herewith. The Committee shall prepare and propose in detail to the Legislative Research Commission from time to time such drafts, amendments, or revisions of the Constitution as will promote the interest and welfare of the Commonwealth, and shall make such drafts public.

(2) The Committee shall be composed of seven members, to be appointed by the Governor with due consideration to representation of the varied professional, social and economic interests. The Attorney General shall serve ex-officio, without vote, as an additional member. The terms of the members initially appointed shall extend through the 15th day of December, 1960, and their successors shall be appointed for one year terms. All members shall be eligible for reappointment and shall serve until their successors have been appointed and qualified. Vacancies occurring prior to the expiration of a term shall be filled by the Governor for the remainder of the unexpired term. The Committee, upon its appointment and annually thereafter, shall elect from its membership a Chairman and a Co-Chairman. The Committee shall meet not less frequently than quarterly at times and places fixed by it and upon call by the Chairman or, in his absence, the Co-Chairman at such other times as may be necessary to carry out its duties and shall publish such report or reports of its activities as the Committee deems necessary, subject, however, to the provisions of subsection (1) above.

(3) The members of the Committee shall serve without compensation but shall be reimbursed for their necessary and actual expenses in attending meetings of the Committee and otherwise in the performance of their duties from funds appropriated to the Legislative Research Commission for the purposes of this Act (or otherwise made available for Committee use.)

(4) The Committee with the approval of the Legislative Research Commission may employ and may remove an Executive Director to be responsible for directing and coordinating research studies for the Committee and for seeking assistance and advice of interested persons or groups. The Executive Director shall be a person who has demonstrated an interest in and knowledge of Kentucky constitutional development. The Committee may employ such other personnel as may be reasonably necessary to carry out the work of the Committee. Expenditures under this Act shall be paid upon vouchers approved by the Director of the Legislative Research Commission from appropriations made to the Legislative Research Commission for the purposes of this Act.

(5) The Committee shall, not later than August 1, 1960, and not less frequently than annually thereafter, schedule and announce publicly in advance open hearings at which any person, either individually or as a representative of a group, may present suggestions for constitutional change. A summation of the suggestions presented at such hearings shall be included in each annual report of the Committee.

(6) The Committee shall, by September 15th of each year, report to the Legislative Research Commission on the result of its studies and deliberations during the year. This report shall be published by the Legislative Research Commission no later than the 1st day of October, and such reports shall be transmitted to the incumbent members of and candidates for election to the General Assembly. Reports shall be published in such quantities as to permit distribution to all public agencies, educational institutions, and private groups with demonstrated interest therein. If a Convention shall be held to revise the Constitution, pursuant to the Act of the 1959 Extraordinary Session of the 1958 General Assembly, the Committee shall advise and assist that body insofar as it is practicable, and shall report to it when requested.

(7) The Governor is authorized to appoint such additional study committees to assist and report to the Constitution Revision Committee as he deems necessary or appropriate for the purpose of investigating, study, analyzing, reviewing, reporting and making recommendations as to changes in the provisions of the Constitution of the Commonwealth of Kentucky pertaining to the twelve subjects set forth in House Bill No. 1 of the 1959 Extraordinary Session of the 1958 General Assembly.

Section 2. There shall also be a council, to consist of the representatives nominated by such private citizens' groups and organizations as the Governor may designate, such nominees to be appointed by the Governor. The Committee shall make available to such groups and organizations drafts of proposed amendments and copies of such reports as are published, and shall receive suggestions and recommendations from same, through their representative members on the council.

Section 3. Section 7.160 of the Kentucky Revised Statutes is hereby repealed.

Section 4. For the purposes of this Act, for the expenses of the Committee, and the staff appointed pursuant to this Act there is appropriated to the Legislative Research Commission out of the General Expenditure Fund in the State Treasury the sum of $7,500 for the remainder of the fiscal year 1959-1960, the sum of $20,000 for the fiscal year 1960-1961, and the sum of $20,000 for the fiscal year 1961-1962. Any unexpended balance remaining on June 30, 1961, shall not lapse but shall be available for expenditure during the following fiscal year.

Section 5. Whereas, the 1958 General Assembly in an Extraordinary Session held in December, 1959, initiated action which, if concurred in by this General Assembly; will require that a vote of the people be taken on certain revision of the Constitution at the general election of November, 1960, and whereas it is desirable that adequate time be provided to inform the people of the Commonwealth on the matters to be voted on and that study thereof be made by the Committee created herein; an emergency is declared to exist, and this Act shall bcome effective upon its passage and approval by the Governor.

HB 251, AN ACT relating to the issuance by insurance companies of contracts on a variable basis and the regulation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) When used in this Act "contract on a variable basis" means any contract issued by a life insurance company providing for the dollar amount of benefits or other contractual payments or values thereunder to vary so as to reflect investment results of any segregated portfolio of investments or of a designated account in which amounts received in connection with any such contract have been placed;

(2) "Commissioner" means Commissioner of Insurance.

Section 2. No domestic or foreign life insurance corporation shall undertake the issuance of any contract on a variable basis until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts on a variable basis will not be such as would render its operation unduly hazardous to the public or its policy holders in this state. In determining the qualifications of a company requesting authority to issue or deliver contracts on a variable basis within this state, the commissioner shall consider, among other things, the character, responsibility, and general fitness of the incorporators and of the proposed or duly elected officers and directors of the company, and the regulation of a foreign company by its state of domicile.

Section 3. No agent of any insurance company shall be authorized to sell, or act, or aid in any manner in the negotiation of a contract on a variable basis until he has received a certificate to sell contracts on a variable basis from the commissioner, which certificate shall not be issued by the commissioner until he has qualified by examination, to the satisfaction of the commissioner, as to his trustworthiness and competence.

Section 4. Every domestic life insurance company which issues contracts on a variable basis providing for payments which vary directly according to investment experience shall establish one or more separate accounts in connection with such contracts pursuant to regulations adopted by the commissioner. All amounts received by the company which are required by contract to be applied to provide such variable payments shall be added to the appropriate separate account, and the assets of any such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct. Any surplus or deficit which may arise in any such separate account by virtue of mortality experience shall be adjusted by withdrawals from or additions to such account so that the assets of such account shall always equal the assets required to satisfy the company's obligations for such variable payments.

Section 5. A foreign or alien life insurance company authorized to do business in this state may be authorized to issue or deliver contracts on a variable basis in this state providing for payments which vary directly according to investment experience only if authorized to issue such contracts under the laws of its domicile.

Section 6. Every life insurance company which issues or delivers such contracts on a variable basis in this state shall file with the commissioner, in addition to the annual report required by KRS 304.027, such other periodic or special reports as the commissioner may prescribe.

Section 7. The provisions of this Act shall not apply to any contract which does not provide for payments which vary directly according to investment experience.

Section 8. The commissioner shall have the authority to issue such reasonable rules and regulations as may be necessary to carry out the purposes of this Act.

Section 9. Every domestic life insurance company which issues contracts on a variable basis providing for variable payments which vary directly according to investment experience, shall be permitted to invest up to seventy-five percent of premiums received applicable to the variable payment policy account in common stock, and no less than twenty-five percent in debt-free investments, but no more than four percent can be invested in any one debt-free security and no more than two percent can be invested in any one common stock equity.

Section 10. Section 304.400 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in this Act and KRS 304.453, KRS 304.400 to 304.453 applies to domestic insurers only. Those sections shall not apply to life insurance companies which issue contracts on a variable basis under the provisions of this Act, nor shall those sections apply to title insurers except as stated in KRS 304.915 to 304.923.

HB 226, AN ACT relating to weights, measures and millers' tolls.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 363.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall use, sell, offer or expose for sale or hire or have in possession for the purpose of using, selling or hiring, a false weight or measure, or weighing or measuring device, or any device or instrument to be used to or calculated to falsify any weight or measure.

(2) No person shall dispose of any condemned weight or measure or weighing or measuring device in a manner contrary to law.

(3) No person shall remove from any weight, measure, or weighing or measuring device, any tag or seal or mark placed thereon by the department or by a city sealer.

(4) No person shall sell, or offer or expose for sale less than the quantity he represents of any commodity, thing or service.

(5) No person shall take more than the quantity represented of any commodity, thing or service where as buyer, agent or receiver, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of the commodity, thing or service is determined.

(6) No person shall use in retail trade, except in preparation of packages put up in advance of sale, a weighing or measuring device which is not so positioned that its indications may accurately be read

and the weighing and measuring operation observed from some position which may reasonably be assumed by a customer.

(7) No person shall sell, offer or expose for sale any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the package, in terms of weight, measure, or numerical count.

Section 2. Section 363.285 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell, offer or expose for sale any commodity in any other manner than by net weight, liquid measure, linear measure, dry measure or numerical count.

(2) No person shall sell, offer or expose for sale any commodity so packed which is misleading to the buyer as to the net weight, measure or numerical count.

Section 3. A new section of the Kentucky Revised Statutes is added to read as follows:

(1) Whenever any commodity is sold, offered, exposed, or advertised for sale, by weight, measure, or numerical count, the price shall be indicated so as not to be misleading or deceiving to an actual or prospective purchaser.

(2) Every commodity in package form, the package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per pound.

Section 4. A new section of the Kentucky Revised Statutes is added to read as follows:

(1) Where the statement of weight of a commodity expresses the minimum quantity, no variation below the stated minimum shall be permitted after the first complete sale and delivery of the commodity in Kentucky by the manufacturer, packer, or distributor, except variations below the stated weight or measure caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

(2) Where the statement of weight of a commodity does not express the minimum quantity (a) variations from the stated weight or measure shall be permitted after the first complete sale and delivery of the commodity in Kentucky by the manufacturer, packer, or distributor, when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that un-

avoidably result in a change of weight or measure; (b) variations from the stated weight or measure shall be permitted after the first complete sale and delivery of the commodity in Kentucky by the manufacturer, packer or distributor when caused by unavoidable deviation in weighing or measuring the contents of individual packages that occur in good packing practice; but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity comprising either a shipment or other delivery of the commodity or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

(3) The extent of variations from the stated quantity of the contents of each shipment, delivery or lot permitted in subsections (1) and (2) of this section shall be determined by the facts in each case.

Section 5. A new section of the Kentucky Revised Statutes is added to read as follows:

None of the provisions of Chapter 363 shall apply to the compounding and dispensing of drugs by a registered pharmacist on a prescription.

Section 6. Section 363.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 363.050 shall be fined not less than ten nor more than one hundred dollars, or imprisoned for not more than six months, or both.

(2) Any person who violates any of the provisions of KRS 363.070 or 363.080 shall be fined not less than twenty-five nor more than five hundred dollars for each offense.

(3) Any person violating KRS 363.090 shall be fined not less than five nor more than twenty dollars.

(4) Any person who violates any of the provisions of subsection (1) of KRS 363.100 shall for each offense be fined five dollars for the use of the school district in which the mill is located.

(5) Any person who violates any of the provisions of subsection (2) of KRS 363.100 as to the time, order or quality of grinding or manufacturing, or the amount of toll, shall for each offense forfeit to the party injured ten dollars, recoverable before a justice of peace.

(6) Any person who violates any provisions of KRS 363.170 to 363.290 shall, for each offense, be fined not less than one hundred nor more than one thousand dollars, or imprisoned for not less than three nor more than twelve months, or both.

(7) Any person who violates any provisions of Sections 3 and 4 of this Act shall, for each offense, be fined not less than one hundred nor more than one thousand dollars, or imprisoned for not less than three nor more than twelve months, or both.

HB 49, AN ACT relating to the Kentucky Employes' Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.600 of the Kentucky Revised Statutes is amended to read as follows:

Any member in service who has ten or more years of service may, at any time before his normal retirement date, retire on account of disability upon written notification to the board, made by the member or his employer, setting forth at what time the retirement is to become effective; provided that such effective date shall be after the last day of service but shall not be more than ninety days prior to the filing of such notice; and provided further that the examiner, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date, if prior to the filing of such notice, mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent and that such member should be retired.

Committee on Regulation of Intoxicating Liquors resported **HB 271** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 271, AN ACT relating to the filing of minimum resale prices of alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 244.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) All licensees who have filed fair trade contracts with the department may file amendments to those contracts, effecting any changes in the stipulated minimum resale price contained in the original contract filed.

(2) Amendments which change the resale price shall be filed 60 days before such amendments become effective. Notice of change of prices must be given to retailers by direct mail or by publication in a trade journal received by all retailers at least thirty days prior to the effective date of such change in prices.

Committee on Fish and Game reported **HB 254** and **HB 255** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 254, AN ACT relating to the bag limit and possession of game birds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take more wild birds in any one day than the bag limit prescribed for the species, but the Department shall not prescribe bag limits in excess of the following:

Quail	10
Ruffed Grouse or Native Pheasant	4
Doves	Federal Regulations Apply
Ducks	Federal Regulations Apply
Geese	Federal Regulations Apply
Coots and Gallinules	Federal Regulations Apply
Woodcock	Federal Regulations Apply
Snipe	Federal Regulations Apply

(2) No person shall have in his possession at any time any number of wild birds in excess of the bag limit as prescribed by the Department for the particular species, except that a person who has hunted two or more days in succession may transport as personal baggage a total of not more than twice the bag limit as set by regulation for any one day for such birds, and a person may have in his possession, in cold storage locker, as provided in KRS 150.305, a number not exceeding two days' bag limit after the first day of the hunting season.

HB 255, AN ACT relating to traps and other devices used for the purpose of taking wild animals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set, use or maintain, for the purpose of taking wild animals, any steel trap unless the size and type of the trap has been approved by the Commissioner and the Commission by regulation.

(2) The Commissioner may approve, by regulation, any com-

mercially manufactured trap which is designed to take animals alive and unhurt or to kill instantly.

(3) Subject to the provisions of KRS 150.410 it shall be lawful to use snares, deadfalls, wire cage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.

(4) Any manufacturer designing a new trap may send a sample to the Commissioner for approval or disapproval.

Committee on Public Health reported **HB 258** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 258, AN ACT relating to beauty care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Nothing in the Kentucky Revised Statutes or in regulations filed by any administrative agency shall be construed as prohibiting the giving of a home permanent wave, when given in a private home without charge to the recipient.

Committee on Courts and Legal Procedure reported **HB 222** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 222, AN ACT relating to misdemeanor cases before county judges and magistrates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 453.030 of the Kentucky Revised Statutes is amended to read as follows:

In a misdemeanor case before a county judge or a magistrate, the judge or magistrate shall, if the accused is convicted, tax as costs $4.50. The judge or magistrate shall each month pay into the county treasury the costs so collected, with an itemized statement, verified by him, showing the persons from whom the costs were received.

Committee on Fish and Game reported **HB 210** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 210, AN ACT relating to fishing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any citizen of the Commonwealth whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential may apply to the Department of Fish and Wildlife Resources for a special fishing permit.

(2) The application shall be made in the manner and contain the information that the department may require.

(3) The department, upon being satisfied as to the eligibility of the applicant, shall issue him a special fishing permit, without charge, that will allow him to fish anywhere in the Commonwealth.

Committee on Public Utilities reported **HB 270** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 270, AN ACT relating to the assessment of public utilities by the Public Service Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the purpose of maintaining the Public Service Commission, including the payment of salaries and all other expenses, and the cost of regulation of the utilities subject to its jurisdiction, the commission shall each year assess the necessary amount upon the utilities in proportion to their gross earnings or receipts derived from intrastate business in Kentucky for the preceding calendar year, and shall notify each utility on or before May 31 of the amount assessed against it. The total amount so assessed shall not in any year exceed $400,000, and the sum paid by each utility shall not be less than $5 in any one year.

(2) The assessments provided for in this section shall be in lieu of all other fees or assessments levied by any city or other political subdivision for the control or regulation of utilities.

Section 2. Since the increased assessment is needed for the coming fiscal year, and the effective date would not be in time for the added assessment, an emergency is declared to exist and this bill will become effective from and after the time it is passed and approved by the Governor.

Committee on Agriculture reported **HB 193** with the expression of opinion that the same should pass with Committee Amendment. Read at length for the first time and ordered placed in the Calendar.

HB 193, AN ACT relating to the Department of Agriculture, Labor and Statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 246.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall consist of nine members as follows: The commissioner, ex officio chairman; the director of the Agriculture Experiment Station, ex officio member and vice-chairman; and seven citizens of the Commonwealth.

(2) The seven members from the state-at-large shall be experienced and practical farmers or agriculturalists or those experienced in related industries, and not more than four of the seven of them shall belong to the same political party.

(3) Upon the expiration of the term of each member of the present board, and every four years thereafter, the Governor shall appoint a successor.

(4) The board shall be a body corporate under the corporate name "State Board of Agriculture" and shall have the usual corporate powers.

Section 2. Section 246.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the board shall receive twenty-five dollars per day and actual traveling expenses while attending meetings of the board, but the total number of days the board may be in session shall not exceed thirty-six per year.

Section 3. WHEREAS, it is deemed by the General Assembly to be in the public interest that competent agriculturalist from the state-at-large be appointed to the State Board of Agriculture at the expiration of the present regular terms ending in March of this year;

NOW, THEREFORE, an emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

Committee on Compensation for Industrial Injuries reported **SB 26** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 26, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection 3 of KRS 342.316 is amended to read as follows:

(3) The right to compensation under this chapter for disability resulting from an occupational disease shall be forever barred unless

a claim is filed with the Workmen's Compensation Board within one year after the last injurious exposure to the occupational hazard or after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contracted the disease, whichever shall last occur; and if death results from the occupational disease within said period, unless a claim therefor be filed with the Workmen's Compensation Board within one year after such death; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer, or his insurance carrier, voluntarily makes payment therefor, or, if the incurrence of the disease or the death of the employe, and its cause was known to the employer.

Committee on Courts and Legal Procedure reported **SB 96** with the expression of opinion that the same should pass with Committee Amendment. Read at length for the first time and ordered placed in the Calendar.

SB 96, AN ACT relating to rules of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Court of Appeals shall adopt and promulgate rules:

(a) Defining the practice of law;

(b) Prescribing a code of ethics governing the professional conduct of attorneys and the practice of law;

(c) Establishing practice and procedure for disciplining, suspending and disbarring attorneys;

(d) Organizing and governing a Bar Association of the attorneys of the state to act as an administrative agency of the Court of Appeals for the purpose of enforcing such rules as are adopted and promulgated by the court under this section; providing for the government of the State Bar as a part of the judicial department of state government, and for such divisions thereof as the Court of Appeals determines; requiring all persons practicing law in this state to be members in good standing of the State Bar; and fixing the form of its organization and operation;

(e) Fixing fees upon recommendation of the board of Bar Commissioners to be paid for the purpose of administering this section and the rules adopted and promulgated under it, and for the collection and disbursement of such fees.

(2) The rules of court adopted and promulgated under this section shall supersede all laws or parts of law in conflict therewith, to the extent of the conflict.

(3) No rule adopted and promulgated under this section shall prevent a person not holding himself out as a practicing attorney from writing a deed, mortgage or will, or prevent a person from drawing any instrument to which he is a party.

Committee on Public Health reported **SB 46** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 46, AN ACT relating to deaths and the disposal of dead bodies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall cremate or cause to be cremated, or transport or cause to be transported for the purpose of cremation, the body of any person whose death occurs in this state, without first obtaining from the coroner of the county in which the death occurred, a death certificate stating the cause of death and authorizing the cremation, or transportation for cremation, of the body. Such certificate shall be filed immediately with the local registrar of vital statistics. No burial transit permit for the cremation or transportation for the purpose of cremation of the body of any such person shall be issued pursuant to KRS 213.110 by any registrar of vital statistics, except upon such authorization by the coroner as provided herein.

Section 2. Section 213.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a death occurs without a physician in attendance, the undertaker shall give notice of the death to the registrar, who shall then refer the case to the local health officer for immediate investigation and certification, prior to issuing the burial permit. If the circumstances of the case render it probable that the death was caused by crime, suicide, or by drowning or other sudden cause, or if death occurred without the attendance of a physician at any time during the thirty-six hours immediately prior to death, or if the body is to be cremated or transported out of the state for burial, the registrar shall refer the case to the coroner for his investigation and certification.

(2) Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or other cause of death. If the death was from external causes of violence, he shall state whether in his opinion the death was accidental, suicidal or homicidal. He shall in any case furnish the information required by the Division of Vital Statistics to properly classify the death.

Section 3. Section 213.130 of the Kentucky Revised Statutes is amended to read as follows:

No sexton or person having charge of or being the owner of any cemetery, crematorium or other premises in which dead bodies are interred, cremated, or otherwise disposed of, shall inter, cremate, or permit the interment, cremation, or other disposition of the body of any deceased person on such premises unless it is accompanied by a burial, removal, or transit permit as required by KRS 213.110. Each such person shall indorse upon the permit, over his signature, the date of interment, cremation or other disposition of the body, and return all permits so indorsed to the local registrar within ten days from the date of interment, cremation or other disposition, or within the time fixed by the local board of health. He shall also keep a record of all interments, cremation, or other dispositions of bodies made on the premises under his ownership or charge, stating the name of the deceased, his place of birth, the date of burial, cremation or other disposition, and the name and address of the undertaker. This record shall at all times be open to public inspection.

Section 4. Any person who violates Section 1 of this Act shall be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned in the county jail for not less than thirty days nor more than one year, or both.

Committee on Public Health reported **SB 24** with the expression of opinion that the same should not pass.

Calendar

HB 154 was taken from the Calendar and ordered read at length for the second time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 203 and **HB 284** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

SB 10 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Lyon moved to amend **SB 10** as follows: "Amend printed copy of Senate Bill 10 on page 2, section 1, line 20. Delete the words "the completion of the count of votes by the board" and insert in place thereof "receiving such certificates from the board". Agreed

Representative Ray moved the Previous Question on **SB 10.** Agreed.

On roll call, the vote was yeas 63—Barton, Bates, Baumgardner, Buckman, Burress, Earl Carter, Childress, Chumbler, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Dean, Dexter, Dobyns, Dowell, Ellis, Farmer, Faulkner, Fields, Ford, Garner, Hahn, Haley, Hall, Hampton, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Osting, Parrish, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White. Nays 12—Brizendine, Carter, Castle, Cornett, Denham, Griffin, Hinkle, Hislope, Ostertag, Peniston, Spurrier, Stacy. **SB 10** was passed and the title agreed to.

Representative Osborn moved that **SB 24** be recommitted. Agreed.

SB 14 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **SB 14.** Agreed.

On roll call, the vote was yeas 85—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Childress, Clark, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Stidham, Summe, Treas, Tucker, G. T. White, J. E. White, Wood. Nays 1—Cottengim. **SB 14** was passed and the title agreed to.

HB 199 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Ray moved to amend **HB 199** as follows: "Amend printed copy of **HB 199** Committee Substitute on page 33, section 21, line 12 by inserting after the word "fund" the following phrase: ,"except the Department of Fish and Wildlife Resources," Agreed. Representative Ray moved to amend **HB 199** as follows: "Amend printed copy of **HB 199** Committee Substitute on page 33, section 21, line 19 by inserting the word "fund" the following phrase: "except the Department of Fish and Wildlife Resources," Agreed.

Representative Ray moved to adopt Committee Substitute for **HB 199.** Agreed. Representative Ray moved the Previous Question on **HB 199.** Agreed.

On roll call, the vote was yeas 86—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hall, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, J. E. White, Wood, Young. Nays 7—C. Carter, Garner, Griffin, Hays, Spurrier, Glen T. White, Cornett. **HB 199** was passed and agreed to.

Representative Ray moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 166 taken from Orders of the Day. Representative Ray moved that consideration of said bill be deferred and that it retains its place in Orders of the Day. Agreed.

HB 200 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the previous question on **HB 200.** Agreed.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Castle, Caudill, Childress, Cole, Colley, Cook, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Ben Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Roberts, Robinson, Slusher, Virgil Smith, Spurrier, Stacy, Steiger, Summe, Tanner, Treas, Wathen, G. T. White, J. E. White, Wood. Nays 0. **HB 200** was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 174, HB 173, HB 122, HB 119, HB 67, HB 166** and **HB** 84 had been examined and found correctly enrolled. **HB 174, HB 173, HB 122, HB 119, HB 67, HB 166** and **HB** 84 read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 174, HB 173, HB 122, HB 119, HB 67, HB 166 and **HB 84** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Introduction of Bills

HB 345, by Representative Osting: An ACT relating to state mileage allowances.

HB 346, by Representatives Garner, Burress, Hall and Render: AN ACT relating to acquisition of electric plants.

HB 347, by Representatives Garner, Cowherd, Fields, Glen T. White, Slusher, Render, and Castle: An ACT relating to oil and gas leases.

HB 348, by Representatives Reynolds and Ostertag: An ACT relating to Motor Fuel Tax on Liquefied petroleum gas when used as a motor fuel.

HB 349, by Representative Osborn: AN ACT relating to the organization of county children's bureaus.

HB 350, by Representatives Hinkle, Haley, Fern, Fields, Moorman, Luther F. Morgan, Hampton, Wood, Parrish, Garner and Dexter: AN ACT relating to unfair competition and unfair trade practices in the sale of cigarettes; repealing sections 365.380 of the Kentucky Revised Statutes.

HB 351, by Representatives Harris, Bates, Hahn, Nolan, Lyon, Haley, Hardin, Wood, Fred Morgan, Cook and Cowherd: AN ACT relating to alcoholic beverages.

HB 352, by Representative Nichols: AN ACT relating to notaries public.

HB 353, by Representative Buckman: AN ACT relating to proceedings under the Uniform Support of Dependents Act.

HB 354, by Representative Buckman: AN ACT relating to circuit clerk's fees.

HB 355, by Representative Buckman: AN ACT relating to motor vehicle operator's licenses.

HB 356, by Representative Buckman: AN ACT relating to commitment for treatment of alcoholism.

HB 357, by Representative Buckman: AN ACT relating to fees of circuit clerks.

HB 358, by Representative Buckman: AN ACT relating to retirement systems for public employes.

HB 359, by Representative Buckman: AN ACT relating to circuit clerk's compensation.

HB 360, by Representative Buckman: AN ACT relating to chauffeur's certificates.

HB 361, by Representative Buckman: AN ACT relating to vital statistics.

Representative Ray moved that the Rules be suspended. Agreed.

Representative Ray moved that **HB 100** be taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved the Previous Question on **HB 100**. Agreed.

On the roll call, the vote was yeas 63—Alexander, Bates, Baumgardner, Brizendine, Burress, Earl Carter, Castle, Caudill, Childress, Clark, Cole, Cottengim, Crecelius, Denham, Dexter, Dowell, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Haley, Hall, Hampton, Hardin, Houtchens, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Render, Roberts, Robinson, J. D. Smith, Stacy, Steiger, Summe, Tanner, Treas, Tucker, Wathen, J. E. White, Wood. Nays 8—Barton, Buckman, Edmunds, Hahn, C. H. Martin, Nichols, Slusher, Spurrier. **HB 100** was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 60, SB 50, SB 41,** and **SB 15** had been examined and found correctly enrolled. **SB 60, SB 50, SB 41** and **SB 15** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

SB 60, SB 50, SB 41 and **SB 15** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Representative Ray moved to adjourn until 12:00 Noon, February 25. Agreed.

FORTY-FIRST LEGISLATIVE DAY

THURSDAY, FEBRUARY 25, 1960

The House was called to order by the Speaker.

Invocation by Reverend John L. Hunt of the South Frankfort Presbyterian Church.

The roll was called. All present except Representatives Denham, Fern, Reynolds Stacy, Caudill and Osborn, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 24, dispensed with and the same approved on motion of Representative Isler.

Senate Message

Announcing passage of **HB 46, HB 47, HB 90, SB 58, SB 124, SB 126, SB 155, SR 37** and **SR 38.**

Motions, Petitions, and Communications

The Clerk read the following message from the Governor.

"The Governor vetoed House Bill No. 122 on February 24, 1960, with the following message attached: "I am opposed as a matter of principle to any public official increasing his own compensation, therefore, I am vetoing House Bill 122. This February 24, 1960.

/s/ Bert Combs
Governor"

Representative Fitzpatrick moved that **HB 122** be placed on its passage. Agreed.

On the roll call, the vote was yeas 68—Baumgardner, Brizendine, Burress, Earl Carter, Castle, Childress, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Dexter, Dobyns, Dowell, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Haley, Hall, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, Murphy, Neel, Nolan, Ostertag, Osting, Qualls, Quinn, Rausch, Rayburn, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Steiger, Stidham, Summe, Tucker, Wood, Young. Nays 10—Alexander, Barton, Clark, Edmunds, Harris, Hill, Nichols, Parrish, Peniston, Ray. **HB 122** was passed over the Governor's veto.

Representative Hall moved that **SB 26** be laid on Clerk's Desk. The Speaker ruled motion out of order, since bill has not received second reading.

Representative Hill moved that **HB 126** be taken from the Clerk's desk and be recommitted. Agreed.

HR 76, by Representative Cottengim:

HR 76, A RESOLUTION in memory of the Reverend Morris Coers.

WHEREAS, the Commonwealth of Kentucky and particularly the citizens of Northern Kentucky have been saddened by the death of the Reverend Morris Coers, and

WHEREAS, the said Reverend Morris Coers contributed to the religious life of his community, to his state, and to the entire midwestern region through his apostolate at the Immanuel Baptist Church, and

WHEREAS, the said Reverend Morris Coers brought the word of God and the word of hope to many through his work as a renowned radio minister, and

WHEREAS, the said Reverend Morris Coers has graced the beautiful hills overlooking the Ohio River in Northern Kentucky by a replica of the tomb of Christ in Jerusalem, and

WHEREAS, the said Reverend Morris Coers served ably as Speaker of the House of Representatives of Indiana,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives herein expresses its sympathy to the family of the Reverend Morris Coers and to all his people in Northern Kentucky.

Section 2. That when the House of Representatives does adjourn on Thursday, February 25, it does so in memory of Reverend Morris Coers.

Section 3. That the Clerk of the House of Representatives is instructed to send a copy of this Resolution to the family of the Reverend Morris Coers.

Representative Cottengim moved the adoption of **HR 76.** Agreed.

Reference of Bills and Resolutions

The Clerk reported the following bills and resolutions had been referred:

Criminal Law: **HB 322**, **HB 323**, **HB 327**, **HB 334** and **HB 328**

Higher Education: **HB 333** and **HR 69**

Judiciary and Judicial Council: **HB 329**

Kentucky Statutes #1: **HB 326**

Kentucky Statutes #3: **HB 320, HB 321, HB 325, HB 331, HB 332, HB 337** and **SB 155**

Municipalities #2: **HB 324** and **HB 338**

Public Utilities: **HB 339**

Regulation of Intoxicating Liquors: **HB 330**

Ways and Means: **HB 335, HB 336, HB 340** and **SB 118**

Representative Fitzpatrick moved to recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report of Committees

Committee on Ways and Means reported **HB 250, HB 273, HB 274, HB 275, HB 276** and **HB 277** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 250, AN ACT relating to advertising devices along or adjacent to interstate highways and limited-access state highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. From and after July 1, 1960, except as otherwise provided in this Act:

(1) The erection or maintenance of any advertising device upon or within six hundred and sixty feet of the right of way of any interstate highway is prohibited.

(2) The erection, replacement, relocation, or repair or restoration to an extent exceeding fifty percent of original construction, of any advertising device upon or within six hundred and sixty feet of the right of way of any limited-access state highway is prohibited.

Section 2. The term "advertising device" as used in this Act shall include any billboard, sign, notice, poster, display or other device intended to attract the attention of operators of motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction.

Section 3. The general purposes of this Act and its specific objectives and standards are:

(1) To provide for maximum visibility along interstate highways and limited-access state highways, and connecting roads or highways:

(2) To prevent unreasonable distraction of operators of motor vehicles;

(3) To prevent confusion with regard to traffic lights, signs or signals or otherwise interfere with the effectiveness of traffic regulations;

(4) To preserve and enhance the natural scenic beauty or the aesthetic features of the aforementioned interstate highways and limited-access state highways, and adjacent areas;

(5) To promote maximum safety, comfort and well-being of the users of the said highways.

Section 4. The Commissioner of Highways shall prescribe by regulation reasonable standards for the advertising devices hereinafter enumerated, designed to protect the safety of the users of the highways and otherwise to achieve the objectives set forth in Section 3 of this Act, and the erection and maintenance of any of the following advertising devices, if they comply with such regulations, shall not be deemed a violation of this Act:

(1) An advertising device which is to be erected or maintained on property for the purpose of setting forth or indicating

(a) The name and address of the owner, lessee or occupant of such property, or

(b) The name or type of business or profession conducted on such property, or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) An advertising device which is not visible from any traveled portion of the highway;

(3) An advertising device indicating the sale or leasing of the property upon which it is placed.

Section 5. Any advertising device erected, maintained, replaced, relocated, repaired or restored in violation of this Act is hereby declared to be, and is, a public nuisance and such device may without notice be abated and removed by any officer or employe of the State Department of Highways or upon request of the Commissioner by any peace officer.

Section 6. Nothing in this Act shall be construed to abrogate or affect the provisions of any municipal ordinance, regulation or resolution which are more restrictive concerning advertising devices than the provisions of this Act or of the regulations adopted hereunder.

Section 7. The Commissioner of Highways is hereby authorized to enter into agreements with the United States Secretary of Commerce for the purpose of carrying out the national policy of promoting the safety, convenience and enjoyment of public travel and the free flow of interstate commerce and the protection of the public investment in the National System of Interstate and Defense Highways within the Commonwealth. The agreements shall be in accordance with the provisions of Section 131 of Title 23 of the United States Code.

Section 8. Any person who wilfully violates any of the provisions of this Act shall, in addition to any other penalty herein provided, be fined not less than one hundred dollars nor more than five hundred dollars.

HB 273, AN ACT creating the Kentucky Public School Authority; constituting the same an independent corporate agency and instrumentality of the Commonwealth for the purpose of assisting boards of education of county and independent school districts in the financing of school projects upon request of such boards; designating membership; defining powers; establishing procedures; providing for cooperation of the Department of Education; declaring bonds of the Authority to be eligible investments for all purposes; and prescribing the manner of advertising public sales of bonds of the Authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There shall be an agency and instrumentality of the Commonwealth for the purpose of assisting the boards of education of any county or independent school districts, upon request of such boards, in the financing of public school building projects and undertakings; and the same is hereby created and established as a public corporation under the name Kentucky Public School Authority, with perpetual succession, and with power in that name to contract and be contracted with, sue and be sued, have and use a corporate seal, and exercise the usual powers of private corporations except as expressly limited in this Act.

Section 2. **Definitions.** As used in this Act, the following terms and words have the following respective meanings, unless another meaning is clearly indicated by the context:

(a) "Authority" means the Kentucky Public School Authority established by this Act.

(b) "Department" means the State Department of Education.

(c) "Superintendent" means the Superintendent of Public Instruction.

(d) "board of education" means the governing body of a county school district, or of an independent school district, for which the Authority issues its revenue bonds pursuant to this Act.

(e) "Project" means any undertaking to provide for a board of education any school buildings, facilities, improvements, and appurtenances and may include not only such as are authorized in

KRS 162.120 to 162.300, but also those for any purpose enumerated in KRS 160.477 (1) (a).

(f) "lease" or "lease instrument" means a written instrument for the leasing of one or more school Projects executed by the Authority as lessor and a board of education as lessee, conforming to the specifications set forth in KRS 162.140.

(g) "bonds" or "bonds of the Authority" means bonds issued by the Authority under this Act, payable as to principal and interest solely from rentals received from a board of education pursuant to a lease.

Section 3. (a) The Authority shall be composed of the Superintendent, three staff members or employees of the Department, and the Assistant Attorney General assigned to the Department of Education. The membership shall initially be composed of the Superintendent, the Assistant Superintendent for Business Administration, the Attorney General assigned to the Department of Education, the Director of the Division of Finance, the Director of the Division of Buildings and Grounds, as constituted on the effective date of this Act, and their successors in such offices or positions:

(b) In the event of reorganization of the Department in such manner that the positions of any or all of the four members other than the Superintendent shall cease to exist under the titles herein recited, the succession as to the then incumbent in each position so ceasing to exist shall devolve upon a staff member or employe of the Department performing one or more of the same or similar functions, as designated by order of the Superintendent, made in writing, concurred in by the Commissioner of Finance and authorized by the Governor as provided in KRS 12.030, and filed with the Secretary of the Authority. Until the effective date of any such designation, the incumbent may, unless otherwise specifically ordered in a writing signed by the Superintendent and filed in the office of the Secretary of the Authority, continue to serve as a member of the Authority in all respects as if such reorganization had not been initiated. If any of the officers of the Authority whose signatures or facsimilies thereof, appear on any bonds of the Authority, or on any interest coupons appurtenant thereto, or on any other instruments or documents pertaining to the functions of the Authority, shall cease to be such officers before delivery of the bonds, or before the effective date or occasion of such instruments or documents, the signatures, and facsimilies thereof, shall nevertheless be valid for all purposes the same as if the officers had remained in office until such delivery or effective date or occasion.

(c) Any three members of the Authority shall constitute a quorum for the transaction of business at any meeting convened as hereinafter set forth. The Superintendent shall be the Chairman. The Authority shall elect from its membership a vice-chairman;

and shall elect a Secretary, and an Assistant Secretary, a Treasurer, and an Assistant Treasurer, each of whom may be a member of the Authority or an employe of the Department, or a person otherwise employed for such position. The duties of such officers shall be as the Authority may prescribe.

(d) The members and officers of the Authority shall receive no compensation for their services, except that the Secretary, Assistant Secretary, Treasurer and Assistant Treasurer, or any of them, if employed by the Authority otherwise than from among the employes of the Department, shall receive such compensation as may be fixed from time to time by the Authority, the same to be paid from the budgeted funds of the Department.

(e) The Authority shall maintain an office and shall at all times keep therein a complete official record of all its actions and proceedings. Office accommodations, including secretarial and telephone service, shall be provided to the Authority by the Department, and the expense thereof shall be paid by the Department from its budgeted funds.

(f) Each change in the membership of the Authority, whether by succession in an existing position, or as provided in subsection (b), shall be entered by the Superintendent in a Register of Membership which shall at all times be maintained in the office of the Authority as an official record subject to public inspection. Any actions and proceedings of the Authority, appearing from its records to have been had or taken by the person or persons shown by the Register of Membership to have been the proper person or persons at the time of such action or proceedings, shall be the regular and official actions or proceedings of the Authroity, and shall be binding upon the Authority. The Secretary or Assistant Secretary shall, upon request, issue a certificate under the seal of the Authority showing the members and officers of the Authority as of any specified date; and any persons may accept and rely thereon.

(g) The Authority may prescribe and change from time to time reasonable administrative rules for the furnishing of certified copies of any official records of its actions and proceedings; and may prescribe reasonable fees therefor not to exceed 10 per cent above the costs and expenses of making and authenticating the same as determined or estimated by the Authority; and all such fees shall be paid into a revolving fund for the continuation of such service on a basis as self-sustaining as possible.

(h) The Authority may adopt rules and regulations for the conducting of its business and affairs, subject to the provisions of KRS Chapter 13.

(i) The Authority may adopt by-laws relating to its organization and internal management, and may alter the same at will. Through its by-laws, or by resolution, it shall establish stated times and places for regular meetings; and may adjourn the same from time to time, Special meetings may be convened upon written or oral call of the Chairman, Vice-Chairman, or Secretary, upon reasonable notice; and any absent member may waive notice orally or in writing either before, at, or after any special meeting, as may be noted in the minutes. If a quorum be present at any special meeting, and it shall appear from the minutes that reasonable notice was given to absent members, or waived by them, or the minutes subsequently consented to by them, any business transacted or action taken thereat shall be as fully regular and official as if transacted or taken at a regular meeting or an adjournment thereof.

Section 4. Upon receiving a request in writing from a board of education, the Authority may, in its discretion, assist such board of education in financing any Project by acting in the capacity and manner authorized to be performed by cities under KRS 162.120 to 162.290, and by counties under KRS 162.300. When applied to the Authority, KRS 162.120 to 162.300 shall be so read that the following terms and passages have the following respective meanings or interpretations:

(a) "City" or "County" means "Authority."

(b) "City Clerk" or "County Clerk" means "Secretary or Assistant Secretary of the Authority."

(c) "Governing body of the City" or "Fiscal Court" means "Authority."

(d) "Mayor or Chairman of the board of trustees" or "County Judge" mean "Chairman or Vice-Chariman of the Authority."

(e) "Ordinance" in the case of a city, or "Resolution" in the case of a county, means a resolution of the Authority.

(f) "Building and appurtenances" means "Project" as defined in Section 2(e) of this Act.

(g) The last sentence of KRS 162.190 shall read, "It shall be plainly stated on the face of each bond that it was or is issued under the provisions of this Act (omitting reference to KRS 162.150 to 162.280 as such), and that it does not constitute an indebtedness of the Authority or of the Commonwealth."

(h) KRS 162.200 is modified to permit use of money received from bonds for the additional purpose of paying reasonable expenses incurred in the authorization, advertising, preparation, sale and delivery of bonds, and may include a fee contracted to be paid to a fiscal agent for financial advice and services if the contract or agreement therefor shall have been approved by the Board of Education and by the Authority.

(i) As used in KRS 162.140, "lease" shall have the meaning defined in Section 2(f) of this Act, and the same shall be recorded or filed for recording in the office of the Clerk of the County Court of the County in which the Project is situated, as evidenced by a written receipt or acknowledgment of filing issued by such clerk, or by a copy of the lease attested or certified by such clerk as being of record in his office. It shall be the duty of the Secretary of the Authority to obtain such evidence before delivery of the bonds to a purchaser thereof; but failure to obtain the same shall not affect the validity of the bonds in the hands of any purchaser or holder.

(j) KRS 162.240 shall not apply; and the following provisions shall govern in lieu thereof:

> "One or more depositories and paying agents may be selected and designated by the board of education, subject to the approval of the Authority, which approval shall not unreasonably be withheld; but each depository and paying agent shall be a financial institution, within or without the Commonwealth, which is a member of Federal Deposit Insurance Corporation. All deposits of sinking funds and of bond proceeds shall continuously be secured by a pledge to the Authority of direct obligations of the United States, exclusive of accrued interest, at all times at least equal to the balance on deposit in the fund or account, such securities to be deposited with the Authority or held by a trustee or agent designated by the Authority; provided, however, in lieu of requiring such security the Authority may in its descretion invest, or cause to be invested and reinvested, any moneys in direct obligations of the United States until such time as cash funds may be needed, and the Authority may prescribe for the custody and safekeeping of such securities. When cash funds are needed, the Authority shall direct the conversion into cash of such securities, or a sufficient portion thereof, and may require that the same be secured until disbursement, as herein provided. All income from such securities shall accrue to the board of education, but may be retained by the Authority and credited upon any rental obligation of the board of education under the lease, or applied to supplement bond proceeds if the same should for any reason turn out to be insufficient to defray the costs and expenses of the Project."

Section 5. Moneys received by the Authority as rentals under any lease, and from the sale of bonds, are declared not to be funds of the Commonwealth but shall be corporate funds of the Authority to be held, administered, invested and disbursed as trust funds under the terms, provisions, pledges, covenants, and agreements set forth in its leases and bond resolutions and bonds.

Section 6. Officers, employes and agents of the Authority having custody of money shall at all times be bonded to the maximum amount reasonably anticipated to be held at any one time; and each bond shall have good corporate surety, provided by a surety company authorized to do business in the Commonwealth, to be approved in each instance by the Authority. Premiums for such surety shall be paid from the budgeted funds of the Department.

Section 7. The Authority shall at all times keep and maintain books of record and account reflecting accurately all its financial transactions, and the same shall be open to public inspection at all reasonable times. The books of record and account shall be audited annually by the auditing staff of the Department, and a copy of the audit report shall be filed with the Commissioner of Finance. With the approval of the Governor, the Commissioner of Finance may direct that the financial affairs of the Authority be audited by independent certified public accountants, and costs thereof shall be paid from the State Treasury. The Authority shall annually submit to the Governor a written report of its activities; and a copy of each report shall be filed with the clerk of each House of the General Assembly on the first day of each regular biennial session.

Section 8. In connection with each bond issue of the Authority, it shall be the duty of the Authority:

(a) to require the board of education to insure the Project to its full insurable value, or to the amount of the bonds outstanding from time to time, whichever is the less, against the hazards covered by the Standard Fire Insurance Policy with standard endorsement of "extended coverage;" and to require that a copy of each policy be delivered to the Authority for inspection and for its records;

(b) to require periodic accounting from all depositories of funds, the same to be submitted on forms prepared and supplied by the Authority;

(c) to furnish to the auditing staff of the Department a summary identification and description of each issue, and to request that the financial records of the board of education relating thereto be audited as a part of the annual audit of the board of education, and that a separate statement or report thereof be filed with the Authority;

(d) to send to each board of education, at least thirty days before the due date of any rental payment, a notice of the amount of rental to become due, and the date thereof, and to require acknowledgement thereof;

(e) in the event of failure to receive from the board of education satisfactory evidence that sufficient funds have been transmitted to the Authority, or will be so transmitted, for paying bond principal and/or interest when due, as provided in the lease, to notify and request that the Department withhold from the board of education a sufficient portion of any undisbursed funds then held or set aside or allocated to it, and to request that the Department transfer the required amount thereof to the Authority for the account of the board of education.

Section 9. It shall be the duty of the Department, upon written request of the Authority:

(a) to cause its auditing staff to audit the financial records of a board of education relating to any identified and described bond issue of the Authority, as an incident to the Department's next ensuing annual audit of such board of education, and each subsequent annual audit thereof; and to provide to the Authority a statement or report thereof;

(b) upon receiving a notification and request from the Authority as described in Section 8 (f) of this Act, to ascertain whether the lease of the board of education has been renewed and is in force in accordance with its terms; and if the same is ascertained to be in force, to withhold from the Board of education a sufficient portion of any undisbursed funds then held or set aside or allocated by the Department for the board of education, and to comply with the terms of the notification and request of the Authority, for the account of said board of education.

Section 10.

(a) Bonds of the Authority shall be issued in the name of the Authority, shall be designated "School Building Revenue Bonds," or, if appropriate, "School Building Revenue Refunding Bonds," and shall additionally be identified by the name of the board of education executing the lease. If the Authority shall issue more than one series of bonds for the same lessee from time to time, each series, including the first or subsequent to the first, shall additionally be identified distinctly by alphabetical or chronological designation, by date of the bonds, or otherwise as the Authority may determine.

(b) For the purposes of determining any limit prescribed by any law for investment of any public funds, or funds of banks, trust companies, insurance companies, building and loan associations, credit unions, pension and retirement funds, and fiduciaries, in obligations of a single obligor, bonds issued by the Authority pursuant to this Act shall not be deemed to be bonds or obligations of the same obligor except to the aggregate of all series of bonds involving leases of a single board of education.

(c) Bonds issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, trustees, and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 11. The Authority and all of its transactions, activities and proceedings in the authorization and issuance of its bonds, execution of leases, accepting conveyances of property, making conveyances of property, and otherwise, shall be exempt from approval, control and supervision of the State Property and Buildings Commission as might otherwise be applicable under KRS 56.440 to 56.580, and from all provisions relating to custodianship by the Secretary of State of title documents, leases, abstracts of title, maps and other records as provided in KRS 56.020 to 56.320. Conveyances of property to or by the Authority shall not be deemed to be conveyances to or by the Commonwealth.

Section 12. Bonds of the Authority shall be sold only upon the basis of sealed bids or proposals, publicly solicited, received, opened and acted upon. The "publication area," as that term is used in KRS Chapter 424, shall not be deemed to be the area within which the office of the Authority is situated, but shall be deemed to be the "publication area" of the board of education executing the lease. Each sale shall be publicly advertised by means of a notice conforming to the provisions of KRS 424.140 (5), and the same shall be published at least one time, at least seven days in advance of the date set forth for opening bids, in a daily newspaper having bona fide general circulation throughout the Commonwealth. If such publication is made, it shall be sufficient for publication in the "publication area" to be made only one time, at least seven days in advance of the date set forth for the opening of bids, notwithstanding provisions for publication more often as provided in KRS Chapter 424. If a copy of the sale notice be delivered or transmitted in good faith to the qualified newspaper of the "publication area" in time for publication in an issue thereof published seven days or more in advance of the date set forth for the opening of bids, and with direction for publication therein, any failure of such newspaper to make publication as directed shall not invalidate the sale of the bonds by the Authority on the designated date, nor require postponement or cancellation thereof.

HB 274, AN ACT relating to voting machines.

WHEREAS, it is deemed essential to eliminate the antiquated manner in which elections are now being conducted in many parts of the state where voting machines are not used, and to provide a public project and plan for the purchase of such machines by the various counties under a rent-purchase, lease-option contract with a state agency, so that they will be available for use while being paid for through annual rentals by said counties.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commission" means the State Property and Buildings Commission, or, if said commission shall be abolished, the department, board, body or commission succeeding to the principal functions thereof, or to whom the powers given by this Act shall be given by law.

(2) "Project," or the words, "Voting machine project," mean a public project as defined in KRS Chapter 58.

(3) "Bonds," or the words, "Voting machine first mortgage revenue bonds," mean Commonwealth of Kentucky, State property and Buildings Commission, voting machine first mortgage revenue bonds issued in accordance with the provisions of this Act.

(4) "Sinking Fund" means a fund to be set aside and held separate and apart from all other funds of the State or of the Commission, into which the income and revenues of a voting machine project, including rents, royalties, fees and proceeds of sale of voting machines, are to be deposited and earmarked to meet the principal and interest requirements on any bonds issued under this Act.

(5) "Sinking Fund Reserve" means a fund to be set aside and held separate and apart from all other funds of the State or of the Commission, to be held as a reserve against any default in principal or interest payments on such bonds, and to be earmarked, to the extent not otherwise used, to payment of requirements on such bonds during the latest years of maturities thereof, as may be specified in the instruments provided for in this Act.

(6) "Cost" means the cost of purchase of voting machines, any advertising expenses in connection therewith, the cost of freight and transportation, the cost of insurance on said voting machines, the cost of preparing, issuing, selling or exchanging first mortgage revenue bonds as provided for in this Act, any capitalized interest expense during an initial period of not exceeding twelve months, to any extent needed during a period necessary to obtain delivery of any voting machines, a Sinking Fund Reserve, and shall further embrace and include all expenses, including legal fees, in connection therewith.

(7) "Voting machine" means a mechancially operated device used for counting and recording votes which complies with specifications enumerated in KRS 125.040.

Section 2. The Commission shall purchase voting machines meeting all of the specifications and requirements of KRS Chapter 125 for each county contracting for same as provided in this Act, and shall have the following powers and duties:

(1) To determine the comparative needs and demands for voting machines by the various counties in the state.

(2) To expend such portions of the capital outlay appropriations made available to it by the Commonwealth of Kentucky, as may be

specified by law, for the purpose of acquiring voting machines, and for matching Federal funds as same may be available under any Federal law now existing or hereafter enacted, for the purchase or acquisition of voting machines.

(3) To purchase, lease (with option to renew), rent, pledge the revenues of, or mortgage such voting machines as the Commission may find to be necessary, upon such terms and conditions and for such consideration as may appear to the Commission to be fair and reasonable.

(4) To issue and sell its first mortgage revenue bonds in order to carry out any of the foregoing.

Section 3. For the purpose of defraying the cost of any voting machine project, the Commission may borrow money from any agency of the Federal Government or it may issue and sell its voting machine first mortgage revenue bonds, after adopting a resolution specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear, not exceeding six per cent (6%) per annum. Such first mortgage revenue bonds may be issued, sold or exchanged as provided for in this Act, or as provided in KRS Chapters 56 or 58, or by other laws.

Section 4. Whenever the Fiscal Court of any county shall request the Commission to finance the acquisition of a specified number of voting machines under this Act, the county and the Commission may then proceed to acquire such voting machine project as follows:

(1) The Commission shall advertise for and receive proposals for the purchase of voting machines in sufficient number to supply the amount agreed to be furnished to such county. The Commission also may advertise for bids for a contract for the acquisition of voting machines with the provision that payment for such machines shall be made in bonds issued under this Act.

(2) The Commission may then enter into a contract for the purchase of such voting machines from the best bidder, subject to satisfactory financing arrangements being made.

(3) The parties shall enter into an agreement to be known as a "Contract, Lease and Option," which shall provide, aliunde, the following:

(a) The Commission shall issue its bonds to finance the project, which bonds shall be secured by a chattel mortgage lien against the project and by a pledge of all rentals and revenues therefrom.

(b) The Commission shall lease such project to the county for a term of not exceeding one year from the estimated date of completion of the project, with the county having the exclusive right and option to extend the term of the lease from year to year, for periods of one year at a time, for an agreed period, not exceeding twenty years.

(c) The rentals prescribed therein for the original term and for each of the full number of years for which the lease may be extended shall be not less than the amounts required in each of such years to amortize the total cost of the project, as evidenced by the amount of bonds issued to defray the cost thereof, and may include, in any specified years, such additional amounts as the parties may deem advisable to create or supplement any special funds.

(d) The county shall agree, in each effective year of the lease, to maintain and insure the voting machines.

(e) Whenever the Commission has been paid sufficient funds, or has sufficient funds on hand, to retire or redeem all of the bonds issued to finance such voting machines, through rental payments by the county, or whenever all of such bonds have been retired or redeemed by any lawful method, the Commission shall convey and transfer to the county an unencumbered title to such voting machines, and shall transfer to the county any balances then remaining in the Sinking Fund, in the Sinking Fund Reserve, and in any other funds maintained in connection with the project.

(f) That in the event of failure by the county to renew the lease or failure to pay any of the rentals prescribed therein, said Contract, Lease and Option shall be immediately terminated, and all rights of the county thereunder and to the leased voting machines shall be terminated and forfeited to the Commission, subject to the provisions of Section 8 (2) hereof.

(g) Any other reasonable provisions and stipulations deemed necessary and desirable.

(4) The Commission shall enter into an agreement, to be known as a Mortgage Deed of Trust, with a Trustee, which shall be a Kentucky bank, having trust powers, which is insured by the Federal Deposit Insurance Corporation, which instrument shall provide, aliunde, as follows:

(a) That bonds shall be issued to finance the project.

(b) The date, maturities (not exceeding twenty years), prior redemption provisions, if any, form of the bonds and terms and conditions of the issuance and of the public sale of the bonds.

(c) The security for the bonds, which shall include the following:

(1) A first chattel mortgage lien against the specific voting machines constituting the voting machine project.

(2) A pledge of the revenues of the project, to be set aside and pledged into the Sinking Fund, and the Sinking Fund Reserve, as special funds, to be deposited with the Trustee, and used to meet the principal and interest requirements of the bonds, as may be designated in such instrument.

(3) An assignment to the Trustee, for the benefit of the bondholders, of all rentals payable to the Commission under the Contract, Lease and Option.

(d) The rights of bondholders in the event of default, which rights may include the appointment of a Receiver, with powers similar to those set out in KRS 58.060, and may include the rights generally of holders of chattel mortgages under the laws of the State of Kentucky.

Section 5. All bonds issued under the provisions of this Act shall have the qualities of negotiable instruments, and shall not be subject to taxation. If any of the officers whose signatures appear on the bonds or coupons cease to be such officers before delivery of the bonds, the signatures shall nevertheless be valid for all purposes the same as if the officers had remained in office until delivery. The bonds shall be payable solely from the revenues or proceeds derived from the project, and shall not constitute an indebtedness of the Commission or of any of the counties executing any of such leases, within the meaning of any constitutional provisions or limitations; and it shall be so stated on the face of each bond.

Section 6. Any appropriations by the Legislature for voting machine purposes may be applied directly toward the cost of such voting machine projects, may be deposited by the Commission in the Sinking Fund Reserve, or may be applied to redeem bonds in advance of maturity in accordance with the bond proceedings. All money received from the proceeds of any bonds issued under this Act shall be used solely in payment of the cost of such voting machine projects as defined in this Act.

Section 7. If the Commission shall create a Sinking Fund Reserve, as defined in this Act, out of the proceeds of the sale of any bonds, such Reserve, including such additional amounts as may be deposited therein from other sources, shall be maintained by the Commission separate and apart from all other funds of the Commission, except that sums shall be transferred therefrom to the Sinking Fund if and to any extent required at any time to prevent default in the payment of principal or interest on any of said bonds, or whenever the total amount on deposit in said Reserve Fund is sufficient to retire or redeem all of the principal and interest requirements on the outstanding bonds, but no transfer or withdrawal shall be made for any other purpose. It may be provided that in the event of any withdrawals from the Sinking Fund Reserve, any deficiency in the amount agreed to be maintained therein shall be restored by the Commission as soon as revenues are sufficiently available to enable it to do so. Such Sinking Fund Reserve may be invested in obligations of the United States Government having maturities not in excess of five years, or may be invested or deposited in accounts insured by the United States Government, until needed, as the Commission may determine.

Section 8. (1) The Commission may issue a separate bond issue to finance the cost of a voting machine project for any individual county, may finance the cost of voting machine projects for two or more counties by one or more bond issues, and may receive and act on bids for more than one bond issue at the same time.

(2) Separate records shall be maintained by the Commission with reference to rentals payable by the two or more counties whenever bonds of a single issue are issued to finance two or more projects, provided that a failure by any individual county to renew a lease executed under this Act, or to pay a prescribed rental for any effective period thereof, shall not have the effect of terminating other leases of other voting machine projects of other counties which have not failed to renew their leases or to pay the prescribed rentals thereunder, and rights of bondholders prescribed in Section 5 (f) are subject to the foregoing.

(3) Upon termination or cancellation of the lease of any voting machine project, the Commission shall immediately take appropriate action to cause such project to produce revenues or proceeds from other sources, and shall apply any amounts in the Sinking Fund and in the Sinking Fund Reserve, to prevent any of the bonds from being in default.

Section 9. The Commission may cooperate with any county in the issuance of one or more separate bond issues to acquire voting machines for such county from time to time, provided, however, that each separate bond issue must be secured by a lien or charge of the revenues against the specific voting machines financed by such respective bond issues.

Section 10. Any holder of the bonds, or any of the coupons, may, either at law or in equity, protect and enforce the lien, and may by action enforce and compel the performance of all duties provided in this Act.

Section 11. The Commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure prescribed for the issuance of the original bonds. The refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which are refunded.

Section 12. The provisions of this Act are additional and alternate methods for the financing of voting machine projects and do not include, alter, amend or repeal any other statute. No proceedings shall be required for the acquisition of voting machines, or the issuance of bonds under this Act, except as are prescribed by this Act.

Section 13. If any section, paragraph, sentence or clause of this Act is invalid, the invalidity thereof shall not affect the validity of the remaining sections, paragraphs, clauses and sentences hereof.

HB 275, AN ACT relating to elections.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The printing and delivery of ballots and cards of instruction to voters shall, in city elections, be paid for by the city. In all other elections, the printing of the ballots and cards of instruction for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the county.

(2) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law.

(3) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election, the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to the Department of Finance. Upon receipt of such certification and upon being satisfied as to the correctness thereof, the Department of Finance shall issue its warrant upon the state treasurer in favor of the county treasurer for one half of the amount of such expenses but not exceeding in any event an amount equal to twenty dollars ($20.00) for each precinct in the county. All sums paid under this section shall be in addition to any sum paid by the state for ballot paper in elections.

(4) Each county shall acquire voting machines meeting the specifications of Section 125.040 of the Kentucky Revised Statutes, for each precinct in which such machines are not already in use, no later than the primary election in 1963; provided, however, that (a) counties containing a population of 21,000 or more shall acquire voting machines for each precinct therein prior to the primary election in 1961; (b) counties containing a population of over 13,000 and less than 21,000 shall acquire voting machines for each precinct therein prior to the primary election in 1962; and (c) counties containing a population of 13,000 or less shall acquire voting machines for each precinct therein prior to the primary election in 1963; provided, however, that nothing contained herein shall be construed to prevent a county from acquiring voting machines prior to the general election in November, 1960.

(5) In all counties where voting machines are used, the cost of elections shall be certified by the county treasurer to the Department of Finance in the same manner as set out in subsection 3 of this Act, except that for each precinct where voting machines are used and so certified, the sum of fifty dollars ($50.00) shall be allowed to the county.

(6) Any county which fails to acquire voting machines in some manner prior to the time herein required shall no longer be entitled to receive any of the payments provided for in subsections 3 and 5 of this Act.

(7) The proposed budget of any county shall be disapproved by the State Local Finance Officer if such budget fails to provide for the payment of rentals in connection with any outstanding voting machine revenue bonds issued for the benefit of the county by the State Property and Buildings Commission as authorized by statute; payments to any county under the provisions of subsection 6 of this Act shall be terminated if and whenever it shall fail to renew a lease (Contract, Lease and Option) with the State Property and Buildings Commission executed in connection with the acquisition of voting machines by such commission for the use of such county; and such payments to any county shall be terminated whenever such county shall fail to pay any part of the rentals required for any effective period of such lease.

Section 2. If any provision of this Act shall be held invalid, the remainder of this Act shall not be affected thereby.

HB 276, AN ACT relating to agreements with agencies of other states.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 12.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor is charged with the conduct of the relations of the Commonwealth with other states and governments. He is empowered to approve agreements between departments or agencies of the Commonwealth, and departments or agencies of other states and governments, for the accomplishment of purposes which are authorized by law to be accomplished in this state by the department or agency entering into the agreement.

(2) No agreement authorized by this section shall involve the expenditure of more than $12,000 in any one year by any one department or agency, except in the case of repairs to interstate bridges. Any such expenditure shall be made from funds already budgeted to the department or agency. Nothing in this section shall be construed

to limit rights and powers conferred on any department or agency by existing statutes, or by statutes enacted during the 1950 Session of the General Assembly. (1950, c. 213)

HB 277, AN ACT authorizing the University of Kentucky, Eastern Kentucky State College, Kentucky State College, Morehead State College, Murray State College and Western Kentucky State College to accept federal aid whenever the Federal Government or any agency thereof shall offer such aid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any of the state colleges or the University of Kentucky or the state on behalf of any of the colleges or the university may accept federal aid in the form of services, equipment, supplies, materials or funds by way of gift, grant or loan for the purpose of higher education including student loans. Any of the state colleges or the university acting through its president or its governing board is hereby authorized to receive such services, equipment, supplies, materials and funds as are now available or may be made available. The colleges and the university are hereby authorized to use funds appropriated to them in the current fiscal year in carrying out the matching provisions required by federal programs, loans or grants.

Section 2. Whereas certain services, equipment, supplies, materials and funds are available from the Federal Government or its agencies at this time and the state colleges and university desire to receive such services, equipment, supplies, materials and funds in the current fiscal year, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Committee on Drainage and Water reported **SB 82** and **HB 232** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 82, AN ACT relating to sanitation districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Board of Directors of a sanitation district may make contracts or other arrangements to provide for the collection, disposal and treatment of sewage and other liquid wastes produced outside of the District, as the Board of Directors may determine.

HB 232, AN ACT relating to the establishment of sanitation districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 220.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the commissioner of sanitation districts shall establish a district, a petition, approved as to propriety and necessity by the county board of health of each county affected, shall be filed with the commissioner, signed by sixty percent of those in possession claiming as freeholders within the limits of the territory proposed to be organized into a district.

(2) In determining when sixty percent of the landowners have signed the petition, the commissioner shall be bound by the names as they appear upon the county tax duplicate, which for all purposes of KRS 220.010 to 220.520 shall be prima facie evidence of such ownership. The commissioner shall further require evidence to determine the fact that all signatures on the petition are genuine, and a notification by ordinary mail sent to the respective addresses shown on the petition shall be deemed satisfactory by the commissioner if the petitioner so notified fails to report in writing within ten days that he did not sign the petition. When authorized by ordinance, such a petition may be signed by the governing body of any municipality lying wholly or partly within the proposed district. When so signed by such governing body a petition on the part of the governing body shall fill all requirements of representation upon the petition of the free holders of the municipality as they appear upon the assessment roll of the municipality, and individuals within the municipality shall not sign the petition. Such a petition may also be filed by any municipality interested in some degree in the improvement, upon proper action by its governing body, except as provided in KRS 220.520.

Section 2. Section 220.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the petition is filed with the commissioner, he shall investigate at once the boundary of the district proposed to be organized, and may, at the cost of the petitioners, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by the creation of the district in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the petitioners, but if the boundary established by the commissioner results in a material change from that proposed in the original petition the petitioners shall secure, in case of a larger or smaller area, the signatures of sixty percent of the freeholders or owners in the area as established by the commissioner.

(2) None of the provisions of KRS 220.010 to 220.520 shall be applicable within the corporate boundary of any city of the first class,

nor shall they be binding upon such city or any part thereof, or any land or property within the boundary of such city. The governing body of any city of the first class shall determine by ordinance whether city property lying outside the corporate boundary shall be included in any sanitation district, and whether the city shall bind itself to pay the charges for the services of the district furnished to such land or property.

(3) Should it be found desirable to include in a sanitation district all or a portion of a city of the second or third class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area.

Section 3. Section 220.090 of the Kentucky Revised Statutes is amended to read as follows:

When sixty percent of those qualified within the boundary fixed by the commissioner are found to have petitioned for the establishment of a sanitation district, and the commissioner has established the boundaries thereof, the commissioner shall give notice of the application for the creation of the district, by posting the notice in at least ten places in the area proposed to be organized into a district, or by publishing it in at least two consecutive, regular editions of a newspaper of general circulation in the proposed district.

Committee on Municipalities #2 reported **SB 99, HB 338** and **HB 301** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 99, AN ACT relating to auxiliary police forces in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The legislative body of a city of the second and third class may by ordinance provide for the establishment or abolishment of an auxiliary police force to perform special duties within the city on terms it deems proper. The ordinance shall prescribe the number of officers and men of such force and the manner of their appointment, and rules and regulations governing the powers and duties of members of such force.

HB 338, AN ACT relating to taxation by cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each city of the first class shall raise a revenue from ad valorem taxes and from taxes based on income, licenses and franchises. The board of aldermen may each year, by ordinance, levy an ad valorem tax on all real and personal property subject to taxation for city purposes, at a rate within the limits prescribed in the Constitution, and may provide for taxation, for city purposes, on personal property based on income, licenses or franchises in lieu of an ad valorem tax thereon, but may not omit the imposition of ad valorem tax on the taxable personal property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company, and may not levy or collect an income tax. If a city of the first class imposes a tax computed on the basis of a business' payroll, then the rate of such tax shall not exceed one and one-half percent.

(2) The board of aldermen shall provide for the collection of all taxes imposed under this section.

(3) The board of aldermen may by ordinance exempt manufacturing establishments from city taxation for a period not exceeding five years, as an inducement to their location within the city limits.

Section 2. Section 92.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative body of each city of the second to the sixth class shall provide each year, by ordinance, for the assessment of all real and personal property within the corporate limits that is subject to taxation for city purposes, and shall levy an ad valorem tax thereon for city purposes.

(2) The legislative body of each city of the second to sixth class may levy a poll tax not exceeding one dollar and fifty cents on each male inhabitant of such city on the assessment date other than those exempted by KRS 142.020, such poll taxes to become due at the same time ad valorem taxes become due and to be collected in the same manner, and the legislative body of each city of the second to sixth class may also impose license fees on stock used for breeding purposes, and on franchises, trades, occupations and professions, and may provide for the collection of such fees. If a city imposes a tax computed on the basis of a business' payroll, then the rate of such tax shall not exceed one and one-half percent.

HB 301, AN ACT relating to benefits of members of the police or fire departments in cities of the fourth and fifth classes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.773 of the Kentucky Revised Statutes is amended to read as follows:

If any member of the police or fire departments, while in the performance of his duty, becomes temporarily, totally disabled, physically or mentally, for services by reason of service in such departments, the board of trustees shall order the payment to such disabled member, monthly during such disability, not to exceed one year, from such pension fund, not exceeding sixty dollars per month, the said amount to be determined by the board of trustees, provided such member, during the same period, is paid no salary as such member. If any member of the police or fire departments, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in either of said departments so as to render necessary his retirement from service in either said departments, said board of trustees shall retire such disabled member from service in either of said departments, provided no such retirement on account of disability shall occur unless said member has contracted said disability while on duty in the service of said police or fire department, and upon such retirement the board of trustees shall order the payment to such disabled member of such police or fire departments monthly, from such pension fund, a sum equal to one-half of the monthly salary such member was receiving at the date of his retirement, provided such member has had twelve or more years' constant service in either of said departments. Any member of the said police or fire departments who has less than twelve years of constant service in the said department and becomes disabled for service and eligible for retirement under this section shall receive monthly such sum from such pension fund fixed by the board of said trustees any amount not to exceed one-half of the amount which such member of the police or fire department was receiving in monthly salary at the date of his retirement. If any member of said police or fire department shall, while in the performance of his duty, be killed or die as a result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatsoever as a result of his services in either of said departments, and while in said service, or after having served continuously for twelve years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen years, said board of trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, a sum equal to one-half of the monthly salary or pension payment such member was receiving at the date of his death, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother to be paid as follows: If the father be dead, the mother shall receive thirty dollars, and if the mother be dead, the father shall receive thirty dollars, and if both be living, each shall receive fifteen dollars.

Senate Message

Announcing passage of **HB 122.**

Report of Committees

Committee on Municipalities #2 reported **HB 319** and **HB 37** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 319, AN ACT providing for and relating to the planning and zoning of the capital city of Frankfort and the county of Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purpose of promoting public health, safety, morals and the general welfare for the state capital and its environs; to preserve and continue the systematic development of zones and districts best suited for their purpose; to provide for the location of state, federal, city and county buildings, monumental buildings and other general structures and the protection of real estate values; to preserve the many historic and scenic attractions and private points of interest; and to safeguard the capital from unwise and haphazard development, a Capital Planning and Zoning Commission is created.

Section 2. (1) The Capital Planning and Zoning Commission shall consist of five members two of whom shall be "city members", two of whom shall be "county members", and one who shall be a "state member".

(2) The city members shall be chosen in the following manner: The Mayor shall appoint one member of the city legislative body to serve as ex officio member of the Commission. The remaining city member shall be chosen by the Mayor and shall be a resident of the city and hold no other city or county office. All appointments by the Mayor shall be subject to approval by the city legislative body and serve at its discretion.

(3) The county members shall be chosen in the following manner: The County Judge shall appoint one member of the county legislative body to serve as ex officio member of the Commission. The remaining county member shall be chosen by the County Judge and shall be a resident of the county outside the limits of the city and hold no other city or county office. All appointments by the County Judge shall be subject to the approval of the county legislative body and serve at his discretion.

(4) The state member shall be chosen in the following manner: The Governor shall appoint one of the members of the State Property and Building Commission to serve as ex officio member of the Commission as the Governor's representative and at his discretion.

(5) Vacancies occurring in the office of any member shall be filled by his appointing authority, within 10 days of the date on which the vacancy occurs.

(6) Members shall serve without pay, but may be reimbursed for their necessary expenses in the performance of their duties.

Section 3. The Commission shall adopt all bylaws and regulations necessary to the conduct of its affairs and for carrying out the provisions of this act.

Section 4. The Commission shall elect, from among its members, a chairman, and Vice-Chairman. In the absence of the chairman, and or when there is no chairman, the vice-chairman shall act and have all the powers and duties of the chairman. The terms of the chairman and vice-chairman shall both be for one year. The Commission shall hold at least one regular meeting in each month. It shall keep minutes and records of all its proceedings, showing its resolutions, transactions, findings, and determinations, and the vote of each member on each question, or, if absent or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the Commission and shall be public records. Both the ex officio members and the appointed members shall be entitled to vote on any subject or matter before the Commission, and a quorum of the Commission for any business shall constitute three members.

Section 5. The Commission may employ such professional staff as it may deem necessary for its work. It may also contract with private individuals, or with public agencies for such service as it may require. May employ clerical or technical help, and shall pay all expenses and attendance fees of the Board of Zoning Adjustment and Appeals, provided in Section 12 of this act. The Commission may also employ a zoning enforcement officer as provided for in Section 14 of this act.

Section 6. (1) The Commission shall and is hereby declared to be the custodian of all funds both as to the said Commission and as to the Board of Zoning Adjustment and Appeals received from any and every source for the purposes of carrying out the provisions of this act; and all expenditures of said funds shall be made only by order of said Commission by resolution duly approving same. All expenditures shall be made only by checks drawn by the Commission. The Commission shall cause an annual audit to be made of all its receipts and expenditures by an official of the city or county or by an auditor or accountant approved by the Mayor of said city and County Judge of said county. The Commission shall annually select a bank or banks for the current deposits of the Commission's funds for the current operating expenses.

(2) Neither the Commission or the Board as provided for in Section 12 of this Act, shall incur or permit the incurrence of any indebtedness in any manner or for any purpose in an amount exceeding for the fiscal year of the Commission or Board, the income and revenue provided for such year from all sources; and any indebtedness con-

tracted in violation of this section shall be void and neither the county, city or state shall be liable therefor.

Section 7. (1) It shall be the function and duty of the Commission to prepare and approve a master or general plan as provided for in KRS 100.046 for the physical development for the whole or any part of the city and county, and to submit and recommend same to the Fiscal Court, to the legislative body of the city and to the Governor for adoption or rejection, pursuant to the provisions of KRS 100.047 to 100.051.

(2) Such master plan shall be made with the general purpose of guiding and accomplishing a co-ordinated adjudged and harmonious development of the incorporated and unincorporated areas of the entire county. The Commission shall make careful and comprehensive surveys and studies of existing conditions and probably future development of the entire territory within said county.

(3) The Commission shall prepare and approve a zoning plan for the area, both incorporated and unincorporated, of the entire county pursuant to the provisions of KRS 100.390. It shall submit and recommend same to the legislative bodies of the city and county for adoption or rejection pursuant to KRS 100.400 to 100.420.

(4) The Commission shall prepare and approve subdivision control regulations for the entire county pursuant to the provisions of KRS 100.360-100.364.

Section 8. (1) In the preparation of the master plan, and at all times thereafter, it shall be the duty of the Commission to consult and advise with public officials and agencies, regarding the preparation, protection and execution of plan. The Commission, its members, officers, and employees, in the performance of their duties and functions, may enter upon any land and make examinations and surveys, which do not occasion damage and injury to private property.

(2) The Commission shall have the power to promote public interest in and an understanding of the master plan, and parts thereof, and may publish and distribute copies thereof, or of any report relating thereto and may employ such other means of publicity and education as it may determine.

Section 9. Any and all existing planning and zoning plans, ordinances, resolutions, or orders, and regulations and restrictions, or amendments thereof, in effect within the respective territorial jurisdiction of the county and city shall continue and remain in full force and effect until superceded by new planning and zoning plans, ordinances, resolutions, or orders, regulations and restrictions, approved and adopted as provided in this act. Upon the appointment of the Commission and Board all records of any existing planning and zoning commission and Board of Adjustment and Appeals in said county or city shall be transferred to the Commission and the Board, respectively, and the powers and duties of said presently existing planning and zoning commission and Board of Adjustment and Appeals which exists;

Section 10. Subject to the approval of the respective governments represented by the Commission, the Commission shall have the power of eminent domain within the territory over which its powers may be exercised, and may purchase outright or condemn property for use as roads, playgrounds, parks, state or federal or municipal building sites, or other proper purposes. It may preserve such properties or transfer them to other state, federal or municipal bodies upon full agreement with those bodies as to the terms of transfer and use. In so doing, the Commission shall not obligate itself beyond its income and funds on hand.

Section 11. In the performance of their duties as provided for in this act, the Commission and the Board may request the advice and services of the City Solicitor of such city or the County Attorney of such county, said services to be rendered without compensation from the Commission or the Board.

Section 12. (1) A Board of Zoning Adjustment and Appeals is hereby created and established, which Board shall consist of five members, none of whom shall be a member of the Commission or hold any other public office or position. Of these members, one shall be appointed by the Governor to serve for a term of four years. Two members shall be appointed by the County Judge of Franklin County, one of whom when first appointed shall serve for a term of one year and one of whom shall serve for a term of four years. Two members shall be appointed by the Mayor of the city of Frankfort, one of whom, when first appointed shall serve a term of two years, and one of whom when first appointed shall serve a term of three years. Thereafter, the terms of office of all such members shall be four years. Upon the expiration of the term of office of any member, the succesor to such member shall be appointed within ten days by the Governor, Mayor, or the County Judge as the case may be. Vacancies occurring other than through expiration of term of office shall be filled for the unexpired term only, by the Governor, Mayor, or the County Judge, as the case may be. Members may be removed by the appointing officer for inefficiency, neglect of duty, malfeasance or improper conduct. The appointing officer shall file with the Board a written statement stating further the reason for such removal. Each member of the Board shall be reimbursed for his necessary expenses incurred in the performance of his duties. The Board is empowered to adopt rules and regulations necessary or convenient for the transaction of its business, and it shall keep records and minutes of all its proceedings. The Commission shall furnish clerical assistance to the Board, when requested by the Board.

(2) Where not in conflict with the provisions of this act the

Board shall have all duties, power and authority granted to, and shall follow the procedures provided for, the Board of Zoning Adjustment and Appeals of cities of the first class and counties containing such cities by KRS 100.079-100.086.

Section 13. The zoning officer provided for in Section 5 of this act shall administer and enforce the zoning regulations and restrictions, and issue zoning permits and certificates of occupancy subject to the approval of the Board. The Commission may fix a reasonable schedule of fees for the issuance of such certificates and permits.

Section 14. An aggrieved party shall have all the rights of appeal granted by KRS 100.031-100.098.

Section 15. (1) Any regulations adopted and approved under the provisions of this Act shall have the force and effect of an ordinance or order.

(2) Penalties for violation of any such regulation may be fixed in the regulation, but no penalty shall exceed a fine of $500.00, or a jail sentence of six months or both.

Section 16. The Commonwealth, Franklin County, and the City of Frankfort, or any of them, may appropriate money to implement and carry out the purposes of this Act. The appropriations may be made directly or to match federal funds.

Section 17. All funds presently existing and intended for purposes similar to those of this Act may be transferred to the Capital Planning and Zoning Commission.

Section 18. Nothing in this Act shall be construed to require the approval of the Commission or Board for the construction of any building to be used for agricultural purposes in an area zoned for agricultural use.

Section 19. Section 147.190, 147.200, 147.210, 147.220, 147.230, 147.240, 147.245, 147.246, 147.247, and 147.250 of the Kentucky Revised Statutes are repealed.

Section 20. An emergency is declared to exist and this Act shall become effective upon passage and approval by the Governor.

HB 37, AN ACT relating to assessment dates for city taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.420 of the Kentucky Revised Statutes is hereby amended to read as follows:

92.420. Assessment date for city taxation.

Property subject to city taxation shall be assessed for city taxation as of the following dates:

(1) In cities of the second class, July 1.

(2) In cities of the third class, a date fixed by the city legislative body.

(3) In cities of the fourth class, January 1.

(4) In cities of the fifth class, January 1.

(5) In cities of the sixth class, January 1.

Committee on Regulation of Intoxicating Liquors reported **HB 330** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 330, AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 244.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine, in any container except in the original sealed package containing quantities of not less than one tenth of a pint each of distilled spirits or six ounces of wine, and not exceeding one gallon each of distilled spirits or fifty-five gallons each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary Federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Section 2. Section 244.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) No retailer of distilled spirits or wine by the package, other than a railroad system licensee, shall purchase, keep upon the licensed premises or sell any distilled spirits or wine by the package in any container except in the original sealed package containing quantities of not less than one-tenth of a pint of distilled spirits or six ounces of wine and not exceeding one gallon each of distilled spirits or fifty-five gallons each of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the Board, together with all required Federal revenue and state excise tax stamps.

(3) No container shall be opened nor its contents consumed on the licensed premises unless the licensee also holds a retail drink license.

Section 3. Section 244.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding one gallon each of distilled spirits or fifty-five gallons each of wine, and containing not less than twenty ounces each, as received from the wholesaler, except mixed drinks which contains a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. If the licensee also holds a retail package license the containers may contain as little as one-tenth of a pint of distilled spirits and six ounces of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulation of the board, together with all required Federal revenue and state excise tax stamps.

Section 4. Section 243.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wine only from licensed wholesalers and unless he also holds a retail package license he shall not buy or possess distilled spirits in containers of a capacity smaller than twenty ounces, but mixed drinks may be bought in containers of a capacity not smaller than twelve ounces, if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the sale of distilled spirits or wine by the package, except if said retail drink licensee is the holder of a Special Wine Consumption License he may sell wine by the package.

(2) A holder of a license to sell distilled spirits and wine by the drink, who operates a restaurant in connection with said business may be issued a Special Wine Consumption License by the Distilled Spirits Administrator and the charge for same shall be a state fee of $100.00 and no additional fees shall be charged by any County or City Legislative Body.

A restaurant as used herein means a business establishment preparing and serving cooked meals, for the accommodation of the public, fully equipped with a kitchen, dining room, tables and chairs for at least 100 persons, wherein the average gross monthly receipts from the sale of foods prepared and served on the premises must exceed 50% of the average monthly gross receipts from sale of alcoholic beverages. A restaurant whose gross monthly receipts from the sale of food averages $5,000.00 per month or more shall not be required to sell food in excess of 50% of the average monthly receipts from the sale of alcoholic beverages.

(3) A special Wine Consumption License shall authorize the licensee to purchase and keep wine in containers not exceeding fifty-five gallons and containing not less than six ounces as received from the wholesaler. It shall further authorize the licensee to sell wine in said containers by the package for consumption only on the licensed premises, providing that the licensee shall be required to permanently remove the cork from each bottle before serving same to a customer.

(4) The rights and privileges herein granted to a Special Wine Consumption Licensee shall be in addition to all rights and privileges he may possess under his license to sell distilled spirits and wine by the drink.

Committee on Regulation of Intoxicating Liquors reported **HB 245** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 245, AN ACT relating to business authorized by Brewer and Distributor of malt beverages:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.150 of the Kentucky Revised Statutes is amended to read as follows:

A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license, and to transport for himself only any malt beverage which he is authorized by his license to manufacture or sell, but he shall transport such malt beverages in accordance with the requirements provided by KRS 243.120 for distillers. A brewer may sell any malt beverage produced under his license, to a licensed wholesaler or to a licensed retailer from the licensed premises.

Section 2. Section 243.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) A distributor's license shall authorize the licensee to purchase, import or store malt beverage and to sell them only, from the licensed premises, to other distributors or to licensed retailers. A distributor shall transport malt beverages only by a vehicle owned, rented or leased and operated by himself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

(2) A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it is a licensed brewery.

Committee on Regulation of Intoxicating Liquors reported **HB 268** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 268, AN ACT relating to the limitation of retail liquor licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 241.065 of the Kentucky Revised Statutes is amended to read as follows:

(1) The number of retail package licenses issued by the Alcoholic Beverage Control Board to licenses in counties of the Commonwealth shall not exceed a number equal to one for every 2500 persons resident in such county.

(2) The number of retail drink licenses issued by the Alcoholic Beverage Control Board in counties of the Commonwealth shall not exceed a number equal to one for every 2500 persons resident in such county.

(3) In order that a fixed and approved standard of population as prescribed in subsection (1) and (2) of this regulation may be adopted, the annual estimates of population as determined by population estimates for Kentucky counties prepared by the Agricultural Experiment Station, University of Kentucky, Lexington, Kentucky, shall be used in every year except a census year. The United States Government census figures of population shall be used in a census year.

(4) The limitation on the number of licenses to sell retail liquor by the package and drink provided for in this Act, shall not apply to any existing licenses or to the renewal of existing licenses or to the transfer thereof.

If the number of retail liquor by package or drink licenses in any county exceeds the number provided for by this Act, the number of such licenses shall be reduced upon the revocation or surrender of such license.

Committee on Library and Historical Records reported **HB 288** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 288, AN ACT relating to historical automobiles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this Act, it is the intention of the General Assembly to recognize the special value of historical vehicles to the Commonwealth, and also to recognize that historical cars, because of their limited use and their easily indentifiable characteristics, do not require the same degree of regulation as other vehicles.

Section 2. As used in this Act, unless the context otherwise requires, "historical vehicle" means a motor vehicle which is over thirty years old and which is used primarily for exhibition in shows, parades, tours and other special uses but not for general transportation.

Section 3. Historical vehicles shall be registered and licensed by the Department of Revenue. Such registration and license shall be in lieu of the registration and license required by KRS 186.020 to 186.270.

Section 4. Upon payment of a fee of fifteen dollars and application in accordance with regulations issued by the Department of Revenue, the Commissioner of Revenue shall issue a certificate of registration and a special license plate or plates, which plate or plates shall be of metal, at least six inches by twelve inches, and which shall show in bold characters the words "Historical Vehicle", a serial number, the word "Kentucky" or "Ky.", and other distinctive markings as in the judgment of the Commissioner of Revenue will best advertise, popularize and promote the state. The serial number shall begin with the number one and continue to consecutive numerical sequence.

Section 5. The registration license, and license plates of historical vehicles shall be valid without renewal as long as the vehicle is in existence. If the historical vehicle is sold, the registration and license shall be assigned and transferred to the new owner on the records of the Department of Revenue on receipt of an application in accordance with regulations issued by the department and payment of a fee of two dollars.

Section 6. The Commissioner of Revenue may make such reasonable rules and regulations as he deems necessary to further the purposes of this Act.

Section 7. This Act shall become effective on the first day of January, 1961.

Committee on Kentucky Statutes #1 reported **HB 231** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 231, AN ACT relating to auctioneers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known and may be cited as the Auctioneers License Act of 1960.

Section 2. As used in this Act unless the context otherwise requires:

(1) "Apprentice auctioneer" means any person, who for compensation or valuable consideration, or otherwise, is employed, directly or indirectly, by an auctioneer to deal or engage in any activity in subsection (2):

(2) "Auctioneer" means any person who, for a fee, commission, or any other valuable consideration, or with the intention or expectation of receiving the same, by the means of, or process of, an auction or sale at auction, offers, negotiates or attempts to negotiate, a listing contract, sale, purchase or exchange of goods, chattels, merchandise, real or personal property, or of any other commodity which may lawfully be kept or offered for sale by or at public auction;

(3) "Board" means the Board of Auctioneers;

(4) "Goods" means any chattels, goods, merchandise, real or personal property, or commodities of any form or type which may be lawfully kept or offered for sale;

(5) "Persons" includes individuals, associations, partnerships and corporations, and the word "persons" shall also include the officers, directors and employes of a corporation.

Section 3. On and after July 1, 1960, it shall be unlawful for any person to act as an auctioneer or apprentice auctioneer, or to advertise or to assume to act as either within the Commonwealth without a license issued by the Board of Auctioneers.

Section 4. Section 3 of this Act shall not apply to:

(1) Sales at auction conducted by or under the direction of any public authority or pursuant to any judicial order or decree, or to any sale required by law to be at auction.

(2) The owner of any real or personal property.

Section 5. (1) There is hereby created a Board of Auctioneers. The Governor shall upon the effective date of this Act, appoint a Board consisting of three members, each of whom immediately prior to the date of his appointment has been a resident of the Commonwealth of Kentucky for five years, and whose vocation for a period of at least five years has been that of an auctioneer. One member shall be appointed for a term of one year; one member shall be appointed for a term of two years; one member shall be appointed for a term of three years, and until their successors are appointed and qualified. There after, the term of the member of the Board shall be for three years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term.

(2) At no time shall there be more than two members of the same political faith. At the outset, and whenever there is a vacancy in the future, the Kentucky Auctioneer Association shall recommend to the Governor at least three names for each vacancy and the appointment or appointments shall be made from the recommendations of the association.

(3) The board immediately upon qualification of the member appointed in each year, shall organize by selecting from its members a chairman.

(4) Each member of the board shall receive the sum of twenty-five dollars per day as full compensation for each day actually spent on the work of the board and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

(5) The board shall have full authority to employ, and discharge, a secretary and such other personnel as may be necessary to administer and enforce the provisions of this Act, and it shall outline the duties and fix the compensation of such persons, which compensation shall be comparable to the salaries paid other state employees doing similar work. The board shall obtain office space, furniture, stationery and any other proper supplies and conveniences reasonably necessary to carry out the provisions of this Act.

(6) All fees and charges collected by the board under the provisions of this Act shall be paid into the State Treasury through the Department of Finance and shall be credited to an agency-fund account for the Board of Auctioneers under the provisions of KRS 45.140 and shall be withdrawn or expended as provided in that section. The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, fines and penalties imposed under the provisions of this Act and paid into the State Treasury. The board shall be financially self-sustaining, and if funds permit, it may underwrite, within its financial limitations, educational programs for the enlightenment and benefit of all auctioneers and apprentice auctioneers who have paid fees pursuant to this chapter.

(7) The board shall annually publish a list of the names and addresses of all auctioneers and apprentice auctioneers licensed by it pursuant to this Act. This roster shall also contain a list of all persons whose licenses have been suspended or revoked within the preceding year, as well as any other information relative to the enforcement of the provisions of this Act that the board may deem of interest to the public.

Section 6. (1) Auctioneer and apprentice auctioneer licenses shall be granted only to persons who are found to be of good repute, trustworthy and competent to transact the business of an auctioneer or of an apprentice auctioneer in such a manner as to safeguard the interest of the public.

(2) In addition, the board is authorized to require additional information from every applicant to determine the applicant's honesty and truthfulness.

(3) In addition to proof of honesty, truthfulness and good reputation, an examination, conducted by the board or its authorized representative shall be held four times each year, and an examination fee of fifty dollars shall be collected from each applicant to defray the expenses of the examination. The examination shall include questions on ethics, reading, writing, spelling, elementary arithmetic, elementary principles of land economics and a general knowledge of the statutes of Kentucky relating to the bulk sales law, deeds, mortgages, contracts of sale, agency, leases, auctions, brokerage and the provisions of this Act. The examination for an auctioneer's license shall be of a more exacting nature and scope than the examination for an apprentice auctioneer.

(4) However, no examination shall be required for the renewal of any present or future license, unless such license has been revoked, suspended, or is allowed to expire without renewal. In any of these cases, the applicant shall take and pass the written examination offered by the board before a new license may be issued.

(5) The provisions of subsection (3) requiring applicants to pass a written examination to obtain a license shall not apply to an auctioneer or apprentice auctioneer furnishing satisfactory proof to the board that he actively engaged in the auction business for a period of at least one year prior to the effective date of this Act, and that he has been the principal auctioneer in at least five auctions of either real or personal property during this period of time. Such an applicant shall file his application and proof with the board no later than October 1st, 1960, and the application and proof shall be accompanied by a bond and license fee in accordance with the provisions of this Act. However, a non-resident tobacco auctioneer may qualify by December 1, 1960.

Section 7. (1) In addition to the qualifications outlined hereinbefore every applicant for an auctioneer's license shall be at least twenty-one years of age and be a citizen of the United States. In addition an applicant shall have served a bona fide apprenticeship for a period of one year as an apprentice auctioneer in Kentucky. Every application for a license, whether as an auctioneer or apprentice auctioneer, shall be submitted on forms prepared by the board.

(2) Every applicant for an apprentice auctioneer's license shall be a citizen of the United States and at least eighteen years of age. In addition to other requirements imposed by this Act, the applicant shall furnish pertinent background data as outlined on the application forms furnished by the board.

(3) The issuance fee for each auctioneer's and apprentice auctioneer's license shall be twenty-five dollars and the annual renewal

fee for each license shall be twenty-five dollars. All licenses shall expire on June 30 of each year. In the absence of any reason or condition which might warrant the refusal of the renewing of the license, and upon receipt of the written request of the applicant and the annual fee therefor, the board shall issue a new license for each ensuing year.

(4) The board shall prepare and deliver to each licensee a license certificate and pocket card. The certificate shall be displayed conspicuously at all times in the office of the licensee. The certificate and pocket card of the apprentice auctioneer shall contain the name and address of the auctioneer under whose supervision he is employed.

(5) When any apprentice auctioneer is discharged or terminates his employment with the auctioneer for any reason, it shall be the immediate duty of the auctioneer to deliver or mail by registered mail to the board the license of the apprentice auctioneer. It shall be unlawful for any apprentice auctioneer to perform any of the acts contemplated by this Act, either directly or indirectly, under authority of his license, until the apprentice auctioneer receives a new license bearing the name and address of his new employer. No more than one license shall be issued to any apprentice auctioneer for the same period of time.

(6) Notice in writing shall be given to the board by each licensee of any change of principal business location, whereupon the board shall issue a new license for the unexpired period. A change of business location without notification to the board shall automatically cancel the license theretofore issued. Changing a business location and issuance of a new license shall entitle the board to collect three dollars.

Section 8. Every application for an auctioneer's or apprentice auctioneer's license shall be accompanied by a bond in the amount of three thousand dollars. The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by a surety company authorized to do business in this state, and shall be made to the board. The bond shall be conditioned that the applicant shall conduct his business in accordance with the provisions of this Act. The bond shall be in a form approved by the board. No license may be issued until such a bond has been filed with the board.

Section 9. (1) A non-resident may become an auctioneer or apprentice auctioneer by conforming to all the conditions of this Act.

(2) In its discretion, however, the board may waive the written examination, provided the non-resident has passed a written examination, provided the non-resident has passed a written examination of the same standards in another state, and is in good standing in that state at the time his application is submitted.

(3) In every instance the non-resident must pay the issuance fee, the annual renewal fee and file the bond required by this chapter.

The non-resident must also pay the examination fee unless the examination is waived by the board.

(4) In addition, every non-resident applicant shall file an irrevocable consent that actions may be commenced against the applicant in any court of competent jurisdiction in the Commonwealth, by the service of any summons, process or pleadings authorized by law on the secretary of the board. The consent shall stipulate and agree that the service of such process, summons or pleadings on the secretary shall be taken and held in all courts to be as valid and binding as if actual service had been made upon the applicant in Kentucky. In case any summons, process or pleadings are served upon the secretary of the board, it shall be by duplicate copies, one of which shall be retained in the office of the board, and the other immediately forwarded by registered mail to the last address of the applicant against which the summons, process or pleadings may be directed.

Section 10. Every auctioneer licensed under this chapter shall maintain a definite place of business in the Commonwealth, except as hereinafter provided, and shall erect and maintain a sign in a conspicuous place on the premises at or near the outside entrance to the principal office and all branch offices. The sign shall be written in clear and legible letters of not less than two inches in height, and shall clearly show his name and indicate that he is an auctioneer. The sign shall be placed so that it can easily be observed and read by anyone entering the place of business. Provided, however, that if the auctioneer is a non-resident, it is not necessary for him to maintain an active place of business in the Commonwealth if he maintains a place of business in the state where he was originally licensed.

Section 11. The board may suspend or revoke the license of an auctioneer or apprentice auctioneer for any of the following causes:

(1) Obtaining a license through false or fraudulent representation;

(2) Making any substantial misrepresentation;

(3) Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or advertising or otherwise;

(4) Accepting valuable consideration as an apprentice auctioneer for the performance of any of the acts specified in this chapter, from any person, except his employer auctioneer.

(5) Failing to account for or remit, within a reasonable time, any money belonging to others that comes into his possession, commingling funds of others with his own, or failing to keep such funds of others in an escrow or trustee account.

(6) Paying valuable consideration to any person for services performed in violation of this chapter;

(7) Being convicted in a court of competent jurisdiction of this or any other state of a criminal offense involving moral turpitude or a felony;

(8) Violation of any rule or regulation promulgated by the board;

(9) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or apprentice auctioneer;

(10) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency or untruthfulness;

(11) Any other conduct that constitutes improper, fraudulent or dishonest dealings;

(12) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which such licensee receives the property for sale.

Section 12. The board may upon its own motion, and shall upon the verified written complaint of any person, investigate the actions of any auctioneer or apprentice auctioneer, or any person who assumes to act in either capacity, if the complaint, or complaint together with other evidence presented in connection with it, makes out a prima facie case of a violation of this Act.

Section 13. Before denying an application for license or before suspending or revoking any license, the board shall set the matter down for a hearing, and at least twenty days prior to the date for the hearing it shall notify the applicant or licensee in writing. The notice shall contain an exact statement of the charges made and the date and place of the hearing. The licensee or applicant at all hearings shall have the opportunity to be heard in person and by counsel. Written notice may be served by delivery of the notice personally to the applicant or licensee or by mailing the notice by registered mail to the last known business address of such applicant or licensee. If such applicant or licensee is an apprentice auctioneer, the board shall also notify the auctioneer employing him or whose employ he is about to enter, by mailing notice by registered mail to the auctioneer's last known business address. The hearing on such charges shall be at a time and place that the board shall prescribe.

Section 14. (1) In the preparation and conduct of hearings, the board shall have power to require by subpoena the attendance and testimony of witnesses and the production of papers, and any member of the board may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence. The fees and mileage allowance paid to witnesses shall be the same as prescribed by law in judicial procedure in the courts of this Commonwealth in civil cases. Any party to any hearing before the board shall have the right to the attendance of witnesses in his behalf at such hearing upon making a request thereof to the board and designating the person or persons sought to be subpoenaed.

(2) Testimony may be taken by deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

(3) In case of disobedience to the subpoena, any member of the board may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers; and such court may issue an order requiring the persons to appear before the board and give evidence and to produce papers as the case may be. Any failure to obey such order of the court may be punished by the court as contempt thereof.

Section 15. If the board determines that an applicant is not entitled to receive a license, a license shall not be granted to such applicant, and if the board determines that any licensee is guilty of a violation of any of the provisions of this chapter, his license shall be suspended or revoked. The board, upon request of the applicant or licensee, shall furnish the applicant or licensee with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for suspension of the rights of the licensee, or for the revocation of the license, as the case may be. The findings of fact made by the board acting within its powers shall, in the absence of fraud, be conclusive, but any person aggrieved shall have the right of an appeal from the findings of the board.

Section 16. Any party aggrieved by the action of the board in refusing to grant a license or in suspending or revoking a license may, within ten days after the entry of such order of refusal, revocation or suspension, file in the office of the clerk of the circuit court of the county in which the office of the board is located, an attested copy of the proceedings before the board, provided he shall first post a bond to secure the costs of the action in such sum as may be approved by the clerk of the circuit court, with good and solvent surety. The board shall be a necessary party to all such appeals. The circuit court clerk shall thereupon docket the case and shall immediately issue a summons for the board. No formal pleadings shall be required in such appeals but the case shall be set down by the court for as early a date as possible for a hearing, and after the hearing the court shall enter a judgment sustaining or setting aside the order of the board. Either party may appeal to the Court of Appeals from the judgment of the circuit court.

Section 17. (1) Any auctioneer or apprentice auctioneer who has had his license revoked shall not be issued another license for a period of five years from the date of revocation.

(2) The revocation of an auctioneer's license shall automatically suspend every apprentice auctioneer's license granted to any person by virtue of his employment by the auctioneer whose license has been revoked. However, the apprentice auctioneer may retain his license, by transferring to the employment of another licensed auctioneer within ten days.

Section 18. The board shall adopt a seal by which it shall authenticate its proceedings. Copies of all records and papers in the office of the board, duly certified and authenticated by the seal of the board, shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the board under the authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the board.

Section 19. (1) No person, engaged in the business of or acting in the capacity of an auctioneer or an apprentice auctioneer shall bring or maintain any action in the courts of the Commonwealth for the collection of compensation for any services performed as an auctioneer or apprentice auctioneer without first alleging and proving that he was a duly licensed auctioneer or apprentice auctioneer at the time the alleged cause of action arose.

(2) No apprentice auctioneer shall have the right to institute a suit in his own name for the recovery of a commission, fee or compensation for services as an apprentice auctioneer, but any such act shall be instituted and brought by the licensed auctioneer employing such apprentice auctioneer. However, this action shall not prevent a licensed apprentice auctioneer from suing his employing auctioneer for any compensation, fees or commissions due him from such auctioneer.

Section 20. Nothing contained in this Act shall affect the power of municipalities to tax, license or regulate auctioneers and apprentice auctioneers. The requirements hereof shall be in addition to the requirements of any existing or future ordinances of any municipality so taxing, licensing, or regulating auctioneers or apprentice auctioneers.

Section 21. Any person who violates Section 3 of this Act shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for a term not to exceed ninety days, or both.

Committee on Kentucky Statutes reported **HB 326** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 326, AN ACT relating to the publication of financial statements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 424.220 of the Kentucky Revised Statutes is amended to read as follows:

Excepting officers of a city of the first class, and of a county containing such a city, and of a school district of such a city or county, and excepting officers of a city of the second class that is required by law to publish an annual audit of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare a sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. The statement shall show the total amount of sums received, the amount from each source, the total amount of funds disbursed, and the amount disbursed for each purpose. The statement shall reflect the fiscal operations, but it need not list each transaction or each person receiving funds or from whom funds are received. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county court clerk of the county. Within thirty days after publication the officer shall file with the Auditor of Public Accounts a copy of the newspaper containing the statement.

Committee on Legislative Affairs reported **SB 112** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 112, AN ACT relating to embalmers and funeral directors, amending Chapter 316 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 316.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Association" means the Funeral Directors Association of Kentucky;

(2) "Board" means the State Board of Embalmers and Funeral Directors;

(3) "Branch establishment" means an establishment owned by a licensed funeral director in a place apart from his main establishment.

Section 2. KRS 316.020 is amended to read as follows:

(1) No person not registered in this State as an embalmer or as a funeral director on or prior to May 15, 1960, shall engage in, or attempt to engage in, embalming or funeral directing until he has been licensed to do so under the provisions of this chapter.

(2) One member of every firm, and one officer and one stockholder of every corporation, that engages in embalming and funeral directing in Kentucky, shall be a licensed embalmer and licensed funeral director, having Kentucky license in full force and effect. Each establishment devoted to the care, preparation or disposal of dead human bodies must be under the direct and constant supervision of a licensed embalmer and licensed funeral director, having Kentucky licenses in full force and effect.

Section 3. KRS 316.030 is amended to read as follows:

An applicant for embalmer's license must be 21 years of age and a graduate of an accredited high school, as evidenced by a certificate or diploma from such accredited high school. He shall have completed a course of study of one year in science and art of embalming, disinfection and sanitation in an accredited school of embalming recognized by the Board. He shall have served two additional years of apprenticeship under a licensed embalmer and licensed funeral director holding a Kentucky license. The licensed embalmer and funeral director must have an established funeral home in Kentucky.

Section 4. KRS 316.040 is amended to read as follows:

When beginning the apprenticeship as required in KRS 316.030 the applicant shall come before the Board and file a Certificate of Registration, under oath, showing that he is 18 years of age. The Certificate shall have the name of the person under whom he will serve his apprenticeship, the date of registration, and a sworn statement by the person under whom he is registered that the applicant will do actual service, devoting all his working hours to the service, and will be paid a monthly salary. The applicant will pay a registration fee of $5.00. He will affirm the requirements set out in the apprenticeship forms furnished by the Board which state the applicant will serve three consecutive years of apprenticeship, the one year spent in embalming college to apply on his three year's apprenticeship, with an additional two years under the direct supervision of a licensed embalmer and licensed funeral director whose license is in full force and effect in Kentucky. The Secretary of the Board will furnish the applicant forms to keep a record of his working hours as an apprentice and he shall file these reports every six months for a period of three years with the Secretary of the Board. In these reports he will show the hours he has worked, the number of bodies he has assisted in preparing, and the salary paid him monthly. These forms shall be signed by him and the person under whom he is registered, their signatures being sworn to by a Notary Public whose Commission is in full force and effect.

Section 5. KRS 316.050 is amended to read as follows:

After completing a course of study as required in KRS 316.030 and two additional years of apprenticeship as required in KRS 316.040, any person desiring to take an embalmer's examination shall make a written application to the Secretary of the Board, accompanied by a fee of $25.00, the application forms to be furnished by the Board. He shall give detailed information as required in KRS 316.030 and KRS 316.040. He shall furnish the Board with two certificates of good moral character, the certificates to be signed and sworn to by a licensed embalmer and a licensed funeral director engaged in business in Kentucky and holding Kentucky embalmer and funeral director's licenses in full force and effect in Kentucky. If, after reviewing the application, the Board finds the applicant has complied with all the requirements of law set out in this Chapter, the Secretary of the Board shall notify the applicant that he is entitled to take the examination and the time and place of the examination.

Section 6. KRS 316.060 is hereby repealed.

Section 7. KRS 316.070 is amended to read as follows:

The Secretary of the Board shall mail notices to all established funeral firms in the State fifteen days before an examination, listing the names of all persons admitted by the Board to take the examination, and setting out the time and place of the examination.

If the applicant being examined by the Board makes a passing grade and the Board finds he is otherwise qualified, it shall issue him a license to practice the science of embalming. This license shall be signed by the members of the Board and authenticated by its seal.

Section 8. KRS 316.080 is amended to read as follows:

(1) An applicant who receives a license shall have it registered in the office of the County Court Clerk of the county of his residence and shall pay the Clerk a fee of one dollar for registration.

(2) A licensee shall display his license certificate in a public place in his place of business. If for any cause this certificate should be destroyed the applicant shall make a sworn statement of such destruction and go before the State Board and ask for a duplicate license.

All licensed embalmers must have a certificate to show they are licensed and that their license is in full force and effect.

Section 9. KRS 316.090 is amended to read as follows:

An applicant for a funeral director's license shall be 21 years of age, a graduate of an accredited High School, and shall have served three consecutive years apprenticeship under a licensed embalmer and licensed funeral director who have an established funeral home in Kentucky. He shall devote all of his working hours to this apprenticeship, being paid a regular monthly salary. He shall meet all the requirements of this Chapter as it relates to the apprenticeship and registration and examination of an embalmer with the exception of the provisions in KRS 316.030 and KRS 316.040 which relate to the completion of a course of study of one year "in science and art of embalming, disinfection and sanitation in an accredited school of embalming recognized by the State Board". The one year in embalming school will not be required for an applicant for funeral director's license. He shall serve three consecutive years apprenticeship.

Section 10. KRS 316.100 is hereby repealed.

Section 11. KRS 316.110 is amended to read as follows:

If the Board finds that the applicant has met all of the requirements of KRS 316.090 and related sections of this chapter, it shall issue him a license to practice funeral directing and register him as a licensed funeral director. This license shall be signed by a majority of the members of the Board and authenticated by its seal. Requirements for registration and display shall be the same as those established herein in the case of embalmers' licenses.

Section 12. KRS 316.120 is hereby repealed.

Section 13. KRS 316.130 is amended to read as follows:

(1) No license granted under this Chapter shall be issued or renewed for a period exceeding one year. Every license and renewal shall expire on July 31 following the date of its issuance unless sooner revoked or cancelled.

(2) Every licensed embalmer and every licensed funeral director who desires to continue to practice shall have his license renewed by filing an application for renewal with the Secretary of the State Board each year within thirty days next before the expiration of his license, upon blanks furnished by the Board. He shall pay a renewal fee of $5.00.

(3) No license granted under this Chapter shall be transferrable.

Section 14. KRS 316.140 is amended to read as follows:

Any person holding a valid embalmer's or funeral director's license currently in force which has been issued by an authority of another state or federal district having a law recognized by the Board as comparable to the Kentucky law governing embalmers and funeral directors, and who wishes to engage in the practice of embalming or funeral directing in this state, may make a written application to the Secretary of the Board, accompanied by a $50.00 application fee and by a certificate from the authority which issued his license showing that he is the holder of a currently valid license obtained by examination while a resident of the state or federal district in which he is licensed. If the Board finds that the applicant has met the qualifications and complied with the requirements of this chapter, it may grant him the privilege of taking the desired examination for an embalmer's or a funeral director's license.

Section 15. KRS 316.150 is hereby amended to read as follows:

(1) The Board may, upon sufficient proof submitted to them by sworn statements or testimony, refuse to issue, refuse to renew, or may revoke or suspend, the license of any licensed Kentucky embalmer or funeral director for any of the following causes:

(a) Conviction for violation of the requirements of this chapter; conviction of a felony, or any misdemeanor resulting in imprisonment or a fine of more than five hundred dollars;

(b) The payment or offering to pay, directly or indirectly of any consideration of value to secure a funeral, prior to death or after death of any individual, or allowing any person in his employ or a member of his immediate family to pay anything of value to secure a funeral;

(c) The solicitation of business in any way by offering or giving any service which is not a normal function of a licensed funeral director or embalmer in a regular service;

(d) Permitting any person who is not a licensed embalmer or funeral director, holding Kentucky license in full force and effect, to perform any service pertaining to embalming or funeral directing required by law of a licensed embalmer or funeral director, from the time of death until interment.

(e) For assisting any applicant for funeral director's or embalmer's license to obtain the license by misrepresentation or fraud either in making application for apprenticeship, registration for apprenticeship, or during the period of serving apprenticeship or in taking or passing the examination for embalmer's or funeral director's license;

(f) For the operation of a Branch Establishment without a licensed embalmer and funeral director in complete charge who devotes his or their sole time to the management and affairs of the Branch Establishment and who is subject to call at all times in the section where the Branch is located. The Branch Manager must be a licensed embalmer and a licensed funeral director with his license in full force and effect in Kentucky.

(2) For the purposes of taking testimony under this section, and for the purposes of any other section of this chapter, each member of the Board, and the Secretary thereof, is hereby endowed with the authority to administer oaths in the same manner as a clerk of a court of record. The Board, or any member thereof, may subpoena licensees or other witnesses to appear before it.

Section 16. KRS 316.160 is amended to read as follows:

An appeal may be taken to the Franklin Circuit Court from any decision of the Board revoking, suspending, or refusing to issue or renew, any license. Upon appeal the court shall be limited to a determination as to whether the Board had acted in excess of its powers, or fraudulently or arbitrarily.

Section 17. KRS 316.170 is amended to read as follows:

The State Board of Embalmers and Funeral Directors of the State of Kentucky shall consist of five members who shall be residents of the State and shall be licensed embalmers and licensed funeral directors of this State with an established funeral home in Kentucky, with a minimum of ten years consecutive experience in the practice of embalming and funeral directing in this state immediately preceding their appointment.

Section 18. KRS 316.180 is amended to read as follows:

(1) The Governor shall make all appointments to the Board from a list of names furnished him each year by the members of the Funeral Directors Association of Kentucky in their annual June Convention, by vote of the majority of members present. Three names shall be selected each year who meet the requirements of KRS 316.170. The Secretary of the State Association will send the names selected to the Governor for appointment. The Governor shall appoint one member of the Board each year and every fourth year shall appoint two members, selecting each person appointed from the list of names submitted by the last session of the Funeral Directors Association of Kentucky in its last June Convention. The term of each member will be four years.

(2) Vacancies occurring on the Board shall be filled by the Governor for the unexpired terms.

(3) The Governor shall furnish a certificate of appointment to each person appointed to the Board.

Section 19. KRS 316.190 is amended to read as follows:

The Board shall select a President from its own members. The Board may also select a Secretary Treasurer. The election of officers shall be each December in regular meeting.

Section 20. KRS 316.200 is amended to read as follows:

An appointee to the Board shall take the oath required in Section

228 of the Constitution within ten days after his appointment. The fact that he has taken the oath shall be noted on the certificate of appointment required by subsection (3) of KRS 316.180 and filed with the Board.

Section 21. KRS 316.210 is amended to read as follows:

(1) Every member of the Board with the exception of the Secretary shall receive compensation of $25.00 per day, not to exceed sixty days per year actually spent by him upon the business of the Board, and shall be reimbursed for his necessary traveling expenses and other necessary expenses incurred incident to attendance of Board meeting and other business of the Board.

(2) The Secretary shall receive an annual salary to be fixed by the Board. In addition to the salary the Secretary shall receive necessary traveling expense incurred in the performance of his duties.

(3) The Board shall meet as often as is necessary to efficiently and legally discharge the duties of the Board and the requirements of this Chapter, but not less often than once a year. Three members of the Board will constitute a quorum.

(4) The Board shall adopt, promulgate and enforce regulations for the transaction of its business, the management of its affairs, and the promotion of the educational standards of the profession, as it considers expedient and consistent with the laws of this State. All Regulations must be filed with the Legislative Research Commission.

(5) The Board shall adopt a Common seal.

(6) The Board shall prescribe standards of efficiency of those who are engaged in the practice of embalming and funeral directing, employ any clerical help necessary to carry out the requirements of this chapter, and set the terms, conditions and compensation of such employes.

Section 22. KRS 316.220, KRS 316.230 and KRS 316.240 are hereby repealed.

Section 23. KRS 316.250 is amended to read as follows:

(1) The Board may recommend a person whose title shall be Field Counsel for the Association. Such recommendation in order to become effective must be ratified by the members of the Funeral Directors Association of Kentucky at its annual June meeting by a vote of a majority of the members present.

(2) When recommended by the Board and ratified by the members of the Asosciation, the Field Counsel shall receive such compensation and expenses as determined by the Association and Board.

(3) The Field Counsel shall enter the premises of any embalmer or funeral director in this state or any premises where embalming or funeral directing is carried on for the purpose of inspecting the premises and the license and registration of embalmers and funeral directors

and apprentices operating therein and also to make investigations of violations of this Chapter.

Section 24. KRS 316.990 is amended to read as follows:

(1) Any person who violates KRS 316.020, by engaging in or attempting to engage in embalming or funeral directing or doing any part of a service pertaining to embalming or funeral directing from time of death until the interment of a dead human body, who is not licensed under this Chapter, shall be fined $100.00 for each offense.

(2) Any person not licensed under this chapter who conducts a funeral establishment or corporation for the preparation and burial of dead human bodies, or who holds himself out to be an embalmer or funeral director, or who prepares, cares for, or disposes of dead human bodies within the meaning of this Chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined $500.00. Each day that such establishment is open to the public in violation of this Chapter shall be a separate offense.

Committee on Appropriations reported **HB 64, HR 63** and **HR 21** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 64, AN ACT relating to the erection of a statue in memory of Alben William Barkley, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Property and Buildings Commission shall, within the legislative biennium 1960-1962, enter into a contract with a qualified sculptor to create by appropriate and recognized methods a lifesize statue of the late Alben William Barkley. Upon completion and acceptance by the Commission, the statute shall be placed in an appropriate place in the rotunda of the State Capitol. The statue shall be so constructed as to harmonize with those statues presently located in the rotunda of the Capitol.

Section 2. The Governor shall appoint a citizens committee for the purpose of advising the State Property and Buildings Commission concerning the selection and erection of the statue. The Composition of such committee shall be at the discretion of the Governor.

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated out of the General Expenditure Fund to the State Property and Buildings Commission, for the fiscal year 1960-1961, and without lapse if unexpended, the sum of Fifty Thousand Dollars. Upon completion of the project, any unused or uncommitted portion of the amount herein appropriated shall revert to the General Expenditure Fund.

HR 63, A JOINT RESOLUTION authorizing and directing the fencing of the cemetery and marking the grave of Jenny Wiley.

WHEREAS, Jenny Wiley, Eastern Kentucky's most famous borderline heroine, is buried in an open pasture in Johnson County; and

WHEREAS, there is no evidence this grave has received suitable attention since her interment in 1831; and

WHEREAS, this courageous pioneer mother forged onward even in the face of the savage Indian massacre of her family and horrors of Indian captivity; and

WHEREAS, in this cemetery rows of graves of pioneers lie in the same state of neglect; and

WHEREAS, there would have been no Kentucky—no conquering the western woods but for such valiant pioneer efforts;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Conservation, Division of Parks be directed to mark suitably the grave of Jenny Wiley, at a cost not exceeding one thousand dollars.

Section 2. That the Department of Highways be directed to fence the cemetery in wihch the grave of Jenny Wiley lies, according to department specifications at a cost not to exceed five hundred dollars.

HR 21, A JOINT RESOLUTION providing payment of the per diem and expense allowance due the late "Banjo" Bill Cornett, a member of the General Assembly.

WHEREAS, "Banjo" Bill Cornett, a member of the General Assembly of the Commonwealth of Kentucky died on the 12th day of January, 1960 during the session of the present General Assembly, and

WHEREAS, there was due him from the Commonwealth his per diem, expense allowance, mileage and stationery as specified by statute, and

WHEREAS, he left surviving him his widow and children,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That an amount of money shall be payable to the estate of "Banjo" Bill Cornett that was due said "Banjo" Bill Cornett from the Commonwealth of Kentucky for his services in the 1960 General Assembly until the day of his death, and the balance for his per diem and expenses had he served out his full term, in the following sums:

Per diem @ $25.00 per day	$1,850.00
Expenses @ $10.00 per legislative day	600.00
Total	$2,450.00

That said amount shall be payable to the estate of "Banjo" Bill Cornett and the Commissioner of Finance is directed to issue warrants on the State Treasurer for the said sums payable to the estate of "Banjo" Bill Cornett.

Committee on Conservation reported **SR 28** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 28, A RESOLUTION requesting the Division of Parks to investigate the potential of The Narrows on the south fork of the Kentucky River in Clay County, at Teges, Kentucky, as a site for a State Park.

WHEREAS, The Narrows is approximately 50 miles from the Levi Jackson State Park, at London, Kentucky, and approximately 40 miles from the Buckhorn Reservoir, in Perry County, and 60 miles from Natural Bridge State Park; and

WHEREAS, a State Park in this location will serve parts of several counties locally, and is on Highway 11, which runs north and south across the State, and will be a major attraction for tourists if properly developed; and

WHEREAS, there is a rapids in the river of some 80 foot pitch with ideal waters for swimming, boating and fishing; and

WHEREAS, the old Narrows' water mill can be replaced at a reasonable expense to attract many tourists; and

WHEREAS, there are some three or four hundred acres of level and rolling land nearby that can be obtained for picnicking and other tourists facilities such as play grounds and trailer parking; and

WHEREAS, there is a cave, an ever-running spring, and an historical wagon road leading in from the north; and

WHEREAS, all of this area is over-hung with ivy, wild flowers and other beautiful attractions that would be admired by visitors; and

WHEREAS, hundreds of people who have gone to other states return to this place every year to see it as it is at the present time;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky the House of Representatives concurring therein:

Section 1. That the Division of Parks of the Department of Conservation be, and it hereby is, requested to investigate the potential of the Narrows on the south fork of the Kentucky River as a site for a State Park.

Section 2. That if the division finds the location suitable for a State Park, the division is directed to take the necessary steps to create a State Park at the Narrows.

Section 3. That the Clerk of the Senate is instructed to forward a copy of this resolution to the Commissioner of Conservation.

Committee on Judicial and Judiciary Council reported **HB 239** with the expression of opinion that the same should not pass.

Committee on Judicial and Judiciary Council reported **HB 164** and **HB 279** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 164, AN ACT relating to the establishment, operation and regulation of independent business schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Independent business school", "business school" or "School" means an educational institution privately owned and operated by an individual, partnership, association or corporation offering business courses through residence, extension or correspondence for which tuition is charged in such subjects as typewriting, shorthand (manual or machine), filing and indexing, receptionist's duties, key-punch, teletype, penmanship, bookkeeping, accounting, office machines, business arithmetic, English, business letter writing, salesmanship, personality development, leadership training, real estate, insurance, traffic management, business psychology, economics, business management, charm and modeling and air line training or any of these subjects and other related subjects of a similar character.

(2) "Board" means State Board of Business Schools.

(3) "Agent" means any person employed by a school as defined herein to act as agent, solicitor, broker or independent contractor to procure students for such school by solicitation of enrollment in any form made at any place other than the main office or principal place of business of the school.

(4) "Superintendent" means Superintendent of Public Instruction.

(5) "Person," as that term is used to apply to the operator of an

independent business school, means individual, partnership, association or corporation.

Section 2. This Act shall not apply to any school offering a four year college course recognized by the State Department of Education nor shall it apply to any religious and non-profit independent business school exempt from taxation under the laws of this State (or which is subject to the provisions of KRS 156.160).

Section 3. (1) No individual, partnership, association or corporation shall conduct, operate, maintain or establish an independent business school or use the term "independent business school", "business college", or any words which designate or tend to designate to the public that the operator of such institution is qualified to conduct, operate and maintain an independent business school unless he hold a valid current license from the Board.

(2) No person shall solicit in person or by the use of any means of communication or advertising, including, but not limited to, telephone, telegraph, newspapers, periodicals, handbill, circulars, mail, radio and television, any person or group of persons in this State to enroll at or attend any independent business school, unless such person holds a valid license as agent of the school for which he is soliciting.

Section 4. (1) There is hereby established a State Board of Business Schools which shall consist of the Superintendent of Public Instruction and six persons to be appointed by the governor. Four members of the Board shall be persons who, for at least five years next preceding the date of their appointment, shall have occupied executive or managerial positions with an independent business school in Kentucky. These four appointments shall be made from a list of three names for each position submitted by the Kentucky Association of Independent Business Colleges. Two members of the Board shall be persons occupied in commerce or industry in Kentucky.

(2) The terms of office of the four members of the Board first appointed from executive or managerial personnel of independent business schools shall be for one, two, three and four years respectively and the terms of office of the two members of the Board first appointed from commerce or industry shall be for three and four years respectively. Upon expiration of each of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor shall be appointed and qualified.

(3) The Superintendent of Public Instruction shall serve as President of the Board ex officio and the members of the Board shall elect one of their number as Secretary. The Board is authorized to fix the compensation of the Secretary and to employ and fix the compensation of all personnel required by it for the administration of the provisions of this Act. The Board shall have the power to make all rules and regulations not inconsistent with the provisions of this Act as may be

necessary to implement and carry out the provisions and purposes of this Act.

(4) The Board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the Board may designate and the majority of the members shall constitute a quorum.

(5) The Board may sue and be sued in its own name.

(6) The members of the Board, except the Secretary, shall receive no compensation for their services but may be paid their travel and other expenses while employed upon the business of the Board.

Section 5. (1) The State Board of Business Schools shall administer the provisions of law pertaining to the conduct, operation, maintaining or establishment of independent business schools, and the activities of agents thereof when acting as such.

(2) The Board may adopt rules and regulations to implement and carry out these provisions.

Section 6. (1) Any person seeking a license to conduct, operate, maintain or establish an independent business school shall make verified application to the Board on forms prepared and furnished by the Board setting forth the following information:

(a) The title or name of the school, together with the names of the owner or owners, and if the owner be a corporation the names and addresses of the officers thereof;

(b) The specific courses and fields of instruction which will be offered;

(c) The place or places where such instruction will be given and a description of the physical and sanitary facilities thereof;

(d) A specific listing of the equipment available for instruction in each course;

(e) The education and teaching qualifications of the instructors and supervisors.

(2) Each initial application for a license shall be accompanied by a filing fee of $50.00, no part of which shall be refunded if a license is denied or if the application is withdrawn.

(3) Upon receipt of an application for a license accompanied by the fee, the Board, or any of the members thereof, shall conduct such independent investigation as it or they deem reasonable and necessary and upon completion of such investigation to the satisfaction of the members of the Board, the license shall be granted or denied as the Board in its discretion determines.

(4) Any person seeking a license to act as agent for an independent business school shall make verified application to the Board on forms prepared and furnished by the Board setting forth the following information:

(a) The name and permanent address of the applicant, together with his date of birth and the name of the school for which an agent's license is sought;

(b) A verified statement setting out evidence of the honesty, truthfulness and integrity of the applicant;

(c) The verified recommendation of two reputable persons certifying that the applicant is truthful, honest and of good repute and that a license as agent should be granted him.

(5) Each initial application for an agent's license shall be accompanied by a filing fee of $25.00, no part of which shall be refunded if a license is denied or if the application is withdrawn.

(6) Upon receipt of an application for an agent's license and payment of the fee prescribed, the Board, or any of the members thereof, may conduct independent investigation as it or they deem reasonable and necessary, and upon completion of such investigation, if any be made, the license shall be granted or denied as the Board in its discretion determines.

(7) Every agent shall obtain a separate license for each school which he represents as agent, provided, however, the filing fee for each license applied for after the first shall be $10.00.

(8) Nothing in this section of this Act shall be construed to require a bona fide employe or officer of a licensed independent business school to hold an agent's license if such bonafide employe or officer accepts applications and enrollments at the main office or principal place of business of the independent business school.

Section 7. The board shall maintain a listing of the name and address of every person licensed under this Act and shall publish such listing at least once a year by mailing such listing to each independent business college licensed hereunder. Changes in the listing may be published in the same manner at such times as the Board in its discretion may determine.

Section 8. (1) Every license issued for the operation of an independent business school shall expire on September 30th following the date of issuance unless sooner revoked and cancelled.

(2) Between August 15 and September 1 of each year the Board shall send notices to all licensed independent business schools in this State advising them that the annual license renewal fee is due on October 1 of each year. Every licensed independent business school shall renew its license between September 1 and October 1 of each year by the payment to the Board an annual license renewal fee of $25.00. If such renewal fee is not paid on or before October 1 the Board shall notify the delinquent licensee by certified mail that such fee is due and unpaid and that a delinquent penalty of $50.00 is assessed in addition to the renewal fee of $25.00 and must be paid on

or before January 1. If such fees and penalties are not paid by January 1 it shall be the duty of the Board to suspend or revoke said license for non-payment of annual renewal and delinquent fees for the current year.

(3) Every license issued to an agent shall expire on September 30th following the date of issuance unless sooner revoked or cancelled.

(4) Between August 15 and September 1 of each year the Board shall send notices to all licensed agents advising them that the annual license renewal fee is due on October 1 of each year. Every licensed agent shall renew his license between September 1 and October 1 of each year by the payment to the Board of an annual license renewal fee of $5.00 for each license held. If such renewal fee or fees are not paid on or before October 1, the Board shall notify the delinquent licensee by registered mail that such fee or fees are due and unpaid and that a delinquent penalty of $10.00 for each license held is assessed in addition to the renewal fee of $5.00 and must be paid on or before January 1. If such fees and penalities are not paid by January 1, it shall be the duty of the Board to revoke said license or licenses for non-payment of annual renewal and delinquent fees for the current year.

(5) All fees collected under the provisions of this Act or the rules and regulations adopted pursuant thereto shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the cost and expenses of the administration of this Act, including, but not limited to, salaries and necessary expenses. No part of this fund shall revert to the general funds of the Commonwealth.

Section 9. (1) The Board may refuse to license or renew the license or may suspend or revoke the license of any independent business school on proof that the individual holder thereof has been convicted of a felony, or has been guilty of moral turpitude or conduct likely to deceive or defraud the public, or that the holder thereof:

(a) has employed, hired, procured or inducted an unlicensed person to act as agent for said independent business school;

(b) has been granted a license upon mistake of a material fact;

(c) has furnished false, misleading or incomplete information to the Board;

(d) has presented information to prospective students relating to the school or to employment opportunities after entering into or completing courses offered by the school which is false, misleading or fraudulent;

(e) has failed to provide and maintain premises or equipment in a safe and sanitary condition to such an extent that such failure constitutes a violation of law;

(f) has failed to maintain financial resources adequate for the satisfactory conduct of the courses of instruction offered;

(g) has failed to retain a sufficient and qualified staff of instructors and administrative personnel;

(h) has conducted instruction in a course or field not approved by the Board for that particular school.

(2) The Board may refuse to license or renew the license or may suspend or revoke the license of any agent on proof that the individual holder thereof:

(a) has been convicted of a felony, or has been guilty of moral turpitude or conduct likely to deceive or defraud the public;

(b) has employed, hired, procured, or induced an unlicensed person to act as agent for said independent business school;

(c) has been granted a license upon mistake of a material fact;

(d) has furnished false, misleading or incomplete information to the Board;

(e) has presented information to prospective students relating to the school or to employment opportunities after entering into or completing courses offered by the school which is false, misleading or fraudulent.

Section 10. (1) The Board may suspend or revoke a license or may refuse to renew a license only after a hearing of which the holder of the license has been given adequate notice, by mailing a copy of the notice registered mail at least 20 days prior to the hearing. At the hearing, the Board and the holder of the license shall have the benefit of counsel.

(2) The Board may administer oaths, take depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by supoena issued in the name of the Commonwealth and over the signature of the President of the Board.

(3) Proceedings for the suspension or revocation of a license may be instituted by any individual or organization filing a verified complaint with the Secretary of the Board or such proceedings may be instituted by the Board acting upon its own initiative or by the President or Secretary of the Board acting on behalf of the Board.

(4) The Board may institute in its own name proceedings to restrain and enjoin temporarily or permanently violations of this Act regardless of whether the defendent has been convicted for violations of the penal provisions thereof, and the Board shall not be required to pay any costs or filing fees or furnish any bond in connection therewith.

(5) Hearings held by the Board under subsection (1) of this section shall be held in the county where the holder of the license lives or operates an independent business school.

Section 11. (1) County and Commonwealth's Attorneys and the Attorney General within their respective jurisdictions shall prosecute all violations of the penal provisions of this Act and shall, when requested by the Board, represent the Board in matters relating to the enforcement of this Act.

(2) A licensee whose license has been revoked or suspended by the Board or who has been refused a renewal license may, within 30 days of the entry of the order, appeal to the circuit court of the county in which the hearing was held. The person taking the appeal shall serve upon the Board, by mailing registered mail, a written notice of appeal and shall file with the Board an appeal bond with good and sufficient surety to be approved by the Secretary of the Board conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. The Board, within ten days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the court a certified copy under the seal of the Board of the evidence upon which the ruling of the Board was based. The clerk shall then docket the case and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The order appealed from shall be stayed from the date of the approval of the bond until the final determination of the appeal.

Section 12. (1) Any person who violates the provisions of subsection (1) of Section 3 of this Act shall be fined not less than $100.00 nor more than $5,000.00 and each day the violation continues shall constitute a separate offense.

(2) Each first violation of subsection (2) of Section (3) of this Act shall be punishable by fine of not less than $50.00 nor more than $1,000.00 or by imprisonment for not less than one month nor more than twelve months, or both fine and imprisonment. Each subsequent violation of subsection (2) of Section 3 shall be punishable by a fine of not less than $100.00 nor more than $5,000.00 and imprisonment for not less than three months nor more than twelve months, or both fine and imprisonment.

HB 279, AN ACT relating to judicial proceedings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to take full stenographic notes of the proceedings, including arguments of counsel.

(b) In counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall take down the proceedings in all cases, embracing preliminary motions, rulings of court, examination of jurors, testimony and arguments of counsel.

(2) In criminal proceedings upon the motion of either party the court shall order the reporter to make a full and accurate transcript in duplicate of his notes. The transcript shall be filed with the clerk of the court as part of the record.

(3) In civil actions the record of proceedings and the transcript of evidence shall be made in accordance with the Rules of Civil Procedure.

Committee on Ways and Means reported **HB 242** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 242, AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; providing for a Greyhound Racing Commission; prescribing its powers and duties; providing for holding elections; providing for licensing such racing and apportioning the moneys derived therefrom; prescribing the hours within which such racing may be conducted; providing for the selling of combination or French pools within the enclosure of licensed race tracks; providing penalties for violations of this Act and repealing any laws in conflict therewith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any corporation formed for the purpose of racing or breeding of greyhounds and conducting races and contests of speed shall have the power and right, subject to the provisions of this Act, to hold one or more race meetings in each year and to hold, maintain and conduct races at such meetings. At such meetings the corporation or the owners of greyhounds engaged in such races or others who are not participants in the racing may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of greyhounds contesting any race shall have any pecuniary interest in a prize, purse, premium or stake contested for in such race, or be entitled to, or receive any portion thereof, after such race shall have been finished; and the whole of such purse, prize or premium or stake shall be allotted in accordance with the terms and conditions of such race.

(2) Such meetings shall be held during the period extending from the first day of May to the first day of November, except in counties having horse racing said meetings shall not be held during a horse race meeting. Said races shall be held between the hours of 7 a.m.

and 12 p.m., and no racing shall be permitted on Sunday. No minor shall be permitted to attend said races.

Section 2. (1) A Greyhound Racing Commission is hereby established to consist of three persons to be appointed by the Governor. The members of said commission shall hold their offices for a term of four years and the first commission shall be appointed within twenty days after this Act shall go into effect. The Governor shall appoint a secretary for said commission who shall act for a period of two years whose duty it shall be to keep a full and faithful record of its proceedings and preserve at its general office all books, maps, documents and papers intrusted to its care and who shall perform such other duties as the commission may prescribe. The secretary shall be paid a salary to be fixed by the commission at a rate not exceeding five thousand dollars per annum, which shall be paid by the several racing corporations or associations conducting racing in this Commonwealth.

(2) The Commission shall bi-annually make a full report to the General Assembly of its proceedings for the two year period ending with the first day of December preceding the meeting of the General Assembly and shall embody therein such suggestions and recommendations as it shall deem proper.

Section 3. (1) Said commission shall have the power to prescribe appropriate rules, regulations and conditions under which greyhound racing shall be conducted in this Commonwealth, except that the commission shall not grant or issue any permit to any applicant to conduct greyhound racing within fifty miles from any greyhound track of any permit holder; and no such races shall be conducted except by a corporation or association duly permitted and licensed by such commission as herein provided.

(2) Any corporation or association desiring to conduct such racing may apply for a permit so to do. If, in the judgment of the commission, a proper case for the issuance of such permit is shown, it may grant the same to the applicant and such permit shall contain the condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission and shall be revocable by the commission for any violation thereof or whenever the permittee shall be found guilty of conduct not conducive to the best interests of legitimate greyhound racing.

(3) After a permit has been granted and issued to such applicant, the permittee shall have the right to have a license issued to it annually to conduct greyhound racing at its race track during the greyhound racing seasons of subsequent years unless greyhound racing in the county of the permittee's race track shall have been disapproved by a referendum election held as herein provided. But if a permit is revoked or a subsequent annual license is refused, revoked or suspended to any

permittee by said commission, the commission shall publicly state its reasons for so doing and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any person desiring so to do.

(4) Said finding of the commission revoking such permit or refusing, revoking or suspending such annual license shall be subject to review by the Circuit Court of the county wherein the permittee is or proposes to do business. Either party may appeal to the Court of Appeals in the manner provided for civil cases.

Section 4. Greyhound race meetings, at which racing shall be permitted for any stake, purse or reward except as allowed by this Act, are hereby declared to be public nuisances and any person acting or aiding therein shall be deemed guilty of a misdemeanor and punished by a fine of not less than $500 nor more than $1,000 for each day of such meeting or racing and in addition thereto, in a suit brought for the purpose by the Greyhound Racing Commission in the Circuit Court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the operation of said race meeting.

Section 5. (1) At the time of making application for a permit, the applicant shall deposit with the commission a cash bond, certified check or bank draft payable to the order of the commission in an amount equal to one hundred dollars for each day excluding Sundays, petitioned for in said application. At the close of the last day of the greyhound racing meeting for which a permit has been issued as provided for in Section 6 of this Act, the commission shall refund to such permit holder the sum of one hundred dollars for each racing day the permit holder paid the commission the tax due for said day as provided for and at the rate stipulated by this Act; provided, however, if such permit holder has not paid to commission the expenses and compensation of representatives assigned to his or its track as provided for in this Act, the commission is authorized and directed to withhold such refund until the same has been paid.

(2) In the event, any full day's racing is declared off by the judges on account of inclement weather, muddy track, or any essential part of said racing plant has been rendered unusuable by fire, wind, riot or explosion or other cause, the commission shall refund to the permit holders the sum of one hundred dollars of their deposit for each day.

Section 6. (1) Upon the filing of an application accompanied by a permit fee or a cash bond, certified check or bank draft as herein provided by any person, association, trust or corporation not in default of payment of any obligation due to the Commonwealth of Kentucky under the provisions of this Act, the commission may issue a permit to such applicant to hold or conduct greyhound racing as authorized in this Act.

(2) Such permit shall specify the person, association, trust or corporation to whom the same is issued, the dates upon which such greyhound racing meetings are to be held or conducted, the hours of such dates between which such greyhound racing shall be permitted, the location of the place, track or enclosure which such greyhound racing meeing is to be held or conducted and shall in writing evidence the receipt of the payment of the permit fee and the deposit of the cash bond, certified check or bank draft by applicant. Any such permit issued to such applicant shall contain a condition that all greyhound racing meetings conducted therein shall be subject to the rules and regulations of the commission as then existing or as may be from time to time prescribed and promulgated by said commission. The permit shall be non-transferable and shall apply only to the place, track or enclosure specified therein.

(3) The commission may refuse to award dates or to issue a permit to any applicant if a permit has been previously issued to said applicant and revoked under the authority of this Act or for any cause by it deemed sufficient. Such permit may be suspended, diminished or revoked by the commission for any violation of this Act or of any rule of the commission made under authority of this Act, provided five days written notice is mailed by registered mail to the permit holder which notice shall specify the charges, the time and place of hearing thereon at which hearing the permit holder shall be given the opportunity of presenting evidence and being represented by counsel and the commission shall immediately enter upon its record of proceedings a memorandum of its action in such suspension, diminution or revocation and its reasons therefor.

Section 7. (1) Any person, association, trust or corporation holding a permit to conduct a greyhound racing meeting, may provide a place or places in the racing grounds or enclosure at which they or it may conduct and supervise the combination, French pools, or certificate system of wagering by patrons of legal age on the greyhound races conducted by such permit holder at such meeting.

(2) Such combination, or French pool or certificate method of wagering upon greyhound races held at or within such race track and at the time of such greyhound racing meeting shall not be held or construed to be unlawful, the Statutes of the Commonwealth of Kentucky to the contrary notwithstanding, and any law in conflict therewith is hereby repealed to the extent of such conflict.

(3) No other place except that provided and designated by the permit holder or any method of betting or wagering except the combination or French pools or certificate system shall be used or permitted by the permit holder. Combination or French pools or certificate system of wagering shall not be conducted by the permit

holder on any greyhound races except the races at the race tracks grounds or enclosure for which the person, association, trust or corporation holds a permit.

(4) Each permit holder may retain as commission, not to exceed fifteen percent of the total of all money wagered each day. The permit holder may also retain the odd cents of all redistributions to be made on all compensation or French pools or certificate system, contributions exceeding a sum equal to the next lowest multiple of ten cents. This is intended to have the same meaning as has been given in connection with the conducting of the pari-mutual system betting on the results of horse racing conducted in this state. At the close of each racing day, the permit holder shall pay to the commission as a tax, three percent of the first $100,000, four percent of so much thereof as exceeds $100,000 but does not exceed $200,000, five percent of so much thereof as exceeds $200,000 but does not exceed $300,000, six percent of all over $300,000, of the total of all money wagered each day. In addition to the aforesaid taxes, each person, association, or corporation authorized to conduct race meetings under this Act shall pay to said commission, as an admission tax, fifteen percent of all moneys received each day for admissions by persons attending said races. Said payment shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other information as said commission may require.

(5) If any free passes or complimentary admission cards shall be issued to guests by any licensee, the licensee of such track shall pay to the commission the same tax upon such complimentary admission cards as if same were sold at the regular and usual rate; but nothing herein shall be construed to prevent the issuance of tax-free passes to officials and accredited newspaper men actual and employes of the licensee or other person engaged actually in working at such race track, provided, however, that the issuance of all such tax-free passes shall be under the regulation or orders of the commission and a list of all officers and employes shall be filed with the commission.

(6) The tax herein imposed shall be in lieu of all license, excise, franchise, or occupational taxes to the Commonwealth of Kentucky, or any county, town or political subdivision thereof, except that when any racing meeting is held or conducted in any incorporated city or town, such city and town shall have right to assess and collect an additional tax against any person, firm, association or corporation conducting greyhound racing within its corporate limits not to exceed seventy-five dollars per day.

Section 8. All moneys collected from the three percent commission as above referred to and all moneys collected from the sale of admission tickets as above referred to shall be paid by the commission to the State Treasurer of the Commonwealth and said moneys when paid to the State Treasurer shall be credited to the General Expenditure Fund.

Section 9. At least eighty-five percent of all persons connected with any race track authorized under this Act, including gatekeepers, announcers and ushers shall be qualified electors of this Commonwealth, provided, that this section shall not apply to owners and trainers of racing greyhounds.

Section 10. (1) After any corporation or association duly licensed by this commission has been operating greyhound racing in any county for a period of sixty days if the citizens of said county are dissatisfied with greyhound racing in said county, an election or referendum may be ordered by the legal voters of said county in number equal to twenty-five percent of the votes cast therein at the last preceding election provided said number of voters shall sign a petition to that effect in the office and in the presence of the county clerk of said county, who shall at the time said petition is signed determine whether said signer or signers are qualified voters of said county.

(2) After the requisite number of voters have signed said petition, the county clerk shall certify these facts to the county judge, whose duty it shall be at the next regular term of the county court after receiving said petition to make an order in his order book directing an election to be held in such county, to be effected thereby on some day named in said petition, no earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff or court officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in such county, city, town, district or precinct on said date for the purpose of taking the sense of the legal voters of such county who are qualified to vote at elections for county officers upon the proposition whether or not greyhound racing shall be conducted in said county.

Section 11. (1) It shall be the duty of the county clerk to give to the sheriff of the county or such officer as may be appointed to hold said election a certified copy of the order of the county court as it appears on the order book within five days after said order is made; and it shall be the duty of said sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least two weeks before the election and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county; the sheriff or other officer shall have the advertisements and notices posted as herein required within seven days after he receives the order of the county court.

(2) All elections provided for in this Act shall be held by such officers as would be qualified to hold elections for county officers and they shall be selected in the same way, and all elections provided

for herein shall be held in accordance with the provisions of the general election laws of the state, except that they shall not be held on the same day with any regular political election, nor within thirty days preceding or following any such regular political election.

(3) The cost of the election shall be borne by the county.

Section 12. If it shall be found that a majority of the legal votes cast at any election herein provided for were given for or against greyhound racing, it shall be the duty of the canvassing board to certify that fact, and the certificates shall be delivered to the clerk of the county court and by him safely kept until the next regular term of the county court at which term the judge thereof shall have the same spread on the order book and said entry of certificate in the order book or a certified copy thereof shall be prima facie evidence in any and all proceedings under this Act.

Section 13. The result of said election when so held under the provisions of this Act shall determine the question for a period of five years and no election shall be held again in said county upon the subject for a period of five years thereafter.

Section 14. If any section of this Act shall be declared unconstitutional it shall only affect such section and not affect any other section of this Act. All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

Committee on Municipalities #2 reported **HB 252** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 252, AN ACT relating to prisoners in third-class cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 26.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person fined in the police court of a city of the third class shall be committed to the city prison until the fine and costs are paid or replevied, but not for more than one day for each one dollar of the fine and costs. He may be required by ordinance to work in the city workhouse or on the streets, alleys or any public work of the city, until the fine and costs are satisfied, at the rate of one dollar per day; provided, however, that no prisoner shall be worked for private individuals or establishments.

(2) Persons sentenced to imprisonment may be required to work in the same way during the period of imprisonment.

Section 2. A new subsection of Section 26.990 of the Kentucky Revised Statutes is created to read as follows:

Any jailer or workhouse keeper of a city of the third class who works a prisoner for a private individual or establishment in violation of KRS 26.470 shall be fined one hundred dollars for each violation.

Committee on Municipalities #2 reported **SB 106** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 106, AN ACT changing the classification of the City of Fort Wright in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Fort Wright, in Kenton County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Fort Wright, in Kenton County, is transferred from the sixth to the fourth class of cities.

Calendar

HB 300, HB 168, HB 251, HB 226, HB 49, HB 271, HB 254, HB 255, HB 258, HB 222, HB 210, HB 229, HB 270, HB 193, SB 96, SB 46, SB 26 were taken from the Calendar and ordered read at length for the second time. Representative Ray moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

The Speaker vacated the Chair, and Representative Fitzpatrick presided.

Orders of the Day

HB 244 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Quinn moved to adopt committee substitute. Agreed. Representative Quinn moved the Previous Question on **HB 244**. Agreed.

On the roll call, the vote was yeas 66—Bates, Baumgardner, Brizendine, Earl Carter, Caudill, Childress, Chumbler, Clark, Colley, Cottengim, Crecelius, Dean, Dexter, Dobyns, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hampton, Hardin, Henry, Hill, Hinkle, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Murphy, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Reynolds, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, Young. Nays 18—Alexander, Buckman, Burress, Castle, Cook, Cornett, Cowherd, Faulkner, Garner, Griffin, Hall, Hardwick, Hislope, Houtchens, F. Morgan, L. F. Morgan, Spurrier, G. T. White. **HB 244** was passed and the title agreed to.

The Speaker resumed the Chair.

HB 203 and **HB 284** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

HB 66 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Colley moved to amend **HB 66** as follows: "Amend printed copy of **HB 66** on page 1 and 2, lines 8 through 14 by deleting lines 8 through 14 and inserting in lieu thereof the following:

	Fiscal Year 1960-61	Fiscal Year 1961-62
Rank I	$4,400	$4,600
Rank II	4,100	4,300
Rank III	3,800	4,000
Rank IV	2,800	2,900
Rank V	2,500	2,600
Rank VI	2,100	2,200
Rank VII	1,800	1,900

The amendment was agreed to.

On the roll call, the vote was yeas 88—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cottengim, Cowherd, Crecelius, Davis, Dean, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 66** was passed and the title agreed to.

Motions, Petitions and Communications

Representative Wood announced he would have voted Nay on **HB 244.**

Representative Slusher announced he would have voted Aye on **HB 66.**

Orders of the Day

Representative Ray moved to recommit **HB 129.**

On the roll call, the vote was yeas 41—Alexander, Barton, Bates, Baumgardner, Brizendine, Childress, Chumbler, Colley, Cottengim, Ellis, Farmer, Fern, Fitzpatrick, Ford, Hahn, Hardin, Hill, Hinkle, Houtchens, Irick, Lovins, Lyon, C. H. Martin, Miller, Moloney, Moorman, L. F. Morgan, Murphy, Nichols, Nolan, Parrish, Peniston, Quinn, Ray, Render, Roberts, Robinson, Slusher, J. D. Smith, Steiger, Young. Nays 32—Buckman, Burress, Charles Carter, Castle, Caudill, Clark, Cook, Cornett, Cowherd, Crecelius, Dean, Dobyns, Edmunds, Faulkner, Garner, Griffin, Haley, Hall, Hays, Henry, Hislope, Lankford, Ostertag, Qualls, Rayburn, Reynolds, Spurrier, Summe, Tanner, Wathen Glen T. White, and John E. White.

HB 129 was recommitted.

SB 44 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Rausch moved to amend **SB 44** as follows: "Amend printed copy of **SB 44** on page 3, section 4, line 14 by striking therefrom the following: "adopted by the Commission." Agreed.

On the roll call, the vote was yeas 86—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Harris, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Steiger, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 44** was passed and the title agreed to.

HB 179 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Chumbler moved to amend **HB 179** as follows:

"Amend printed copy of **HB 179** on page 1, section 1, line 2 by deleting "a church, religious or established fraternal society," and substituting in lieu thereof, "a religious organization." Agreed.

"Amend printed copy of **HB 179** on page 1, section 1, line 7 by deleting, "to do business in this Commonwealth", and substituting in lieu thereof, "by law to administer trust funds." Agreed.

"Amend printed copy of **HB 179** on page 1, section 1, line 15 by deleting, "paragraph (b)", and substituting in lieu thereof, "(b) 1. Cemeteries located in counties in which the population is 100,000 or more, or cemeteries located to serve a market area of 100,000 or more, shall deposit $15,000. 2. Cemeteries located in counties in which the population is 50,000 or more, or cemeteries located to serve a market area of 50,000 or more, shall deposit $10,000. 3. Cemeteries located in counties where the population is less than 50,000 and the market area they will serve is less than 50,000, shall deposit $5,000. (3) the initial deposit in the perpetual care fund provided for in Section 1 shall remain intact until the total amount of the trust is twice the amount of the original deposit at which time the original deposit may be withdrawn." Agreed.

"Amend printed copy of **HB 179** on page 2, section 1, line 18 by deleting, "(3) The Department of Banking may at any time investigate the cemetery business of such company with regard to its perpetual care and maintenance fund. For that purpose, the department shall have free access to any office, place of business or records of the cemetery and of any trustee of the fund. Cost of examination shall be borne by the perpetual care and maintenance fund." and substituting in lieu thereof, "(4) The Department of Banking may at any time investigate a cemetery authority with respect to books of account and records concerning care funds and the books of account and records of any trustee of such funds. The Department of Banking may accept an examination of such funds if it is made by a Certified Public Accountant and a copy of the examination is furnished to it." Agreed. Amend printed copy of **HB 179**, on page 2, section 1, line 24 change period to comma and add "in no case shall this fund be less than $12.50 per grave space." Agreed.

Amend printed copy of **HB 179** on page 2, section 2, line 3 by deleting, "which shall be available to any lot owner and" Agreed.
"Amend printed copy of **HB 179** on page 2, section 3 by deleting section 3 in its entirety and substituting thereof the following: "Section 3. Any person, firm, or corporation intentionally violating any provision of this Act shall, upon conviction, be fined not less than one thousand dollars nor more than twenty-five hundred dollars or confined in prison not less than one nor more than five years." Agreed.

Representative Chumbler moved the Previous Question on **HB 179.**

On the roll call, the vote was yeas 46—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Caudill, Childress, Colley, Dean, Dexter, Dobyns, Ellis, Fields, Fitzpatrick, Garner, Hardin, Harris, Henry, Hill, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Neel, Nichols, Nolan, Peniston, Render, Roberts, Robinson, A. C. Smith, Virgil Smith, Treas, Tucker, Wathen, G. T. White, J. E. White. Nays 27—Charles C. Carter, Castle, Chumbler, Clark, Cornett, Cottengim, Cowherd, Crecelius, Edmunds, Farmer, Fern, Hays, Hinkle, Hislope, Miller, Murphy, Osborn, Ostertag, Osting, Parrish, Quinn, Rausch, Spurrier, Wood and Young. The Previous Question was adopted on **HB 179.**

Representative Brizendine moved that **HB 179** be laid on Clerk's desk. Agreed.

HB 154 taken from Orders of the Day. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

SB 32 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Representative Ray moved to adopt committee substitute for **SB 32.** Agreed.

On the roll call, the vote was yeas 66—Barton, Baumgardner, Brizendine, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Dexter, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Robinson, Slusher, A. C. Smith, J. D. Smith, Steiger, Stidham, Tanner, Tucker, Wood, Young. Nays 13—Alexander, Buckman, Burress, Cornett, Dobyns, Faulkner, Hays, Fred Morgan, Murphy, Ostertag, Spurrier, Summe and Treas. **SB 32** was passed and the title agreed to.

Committee on Enrollment reported that **HB 90, HB 46, HB 47, HB 122** and **SB 14** had been examined and found correctly enrolled. **HB 90, HB 46, HB 47, HB 122** and **SB 14** were read at length, compared, and signed in open session by the Speaker. **HB 90, HB 46, HB 47, HB 122** ordered delivered to the Senate. **SB 14** ordered delivered to the Governor.

HB 90, HB 46, HB 47, HB 122 delivered, signed by President of the Senate.

Introduction of Bills and Resolutions

HB 362, by Representative Murphy: AN ACT relating to pyrotechnics.

HB 363, by Representative T. J. Hill, III: AN ACT repealing Section 381.220 of the Kentucky Revised Statutes and substituting the common law rule against perpetuities with certain modifications.

HB 364, by Representatives Ellis and Robinson: AN ACT relating to pages.

HB 365, by Representative Childress: AN ACT relating to the powers of cities of the first class.

HB 366, by Representatives Hardin, John E. White, Ray, Lyon, Nolan and Caudill: AN ACT relating to roads and highways.

HB 367, by Representative Ellis: AN ACT relating to advancement of court costs.

HB 368, by Representative Ellis: AN ACT relating to Trial Commissioners for County Court.

HB 369, by Representative Ellis: AN ACT relating to examining courts.

HB 370, by Representatives Albert C. Smith, Luther F. Morgan, Robinson, Denham, Roberts, Haley, Chumbler, Houtchens, Fred Morgan, Miles and Hopkins: AN ACT relating to Fire Department Aid.

HB 371, by Representatives Cornett, Hislope, Hays, Hardwick, Earl Carter, Faulkner, Qualls, Lankford, John E. White, Griffin, Clark, Castle and Burress: AN ACT relating to trucking regulation.

HB 372, by Representative Barton: AN ACT relating to the Kentucky Historical Society.

HB 373, by Representative Peniston: AN ACT relating to Cooperative Marketing Associations.

HB 374, by Representatives C. H. Martin, J. D. Smith, Ben Martin, Robinson, Colley, Castle, Hardin, Qualls, Irick, Slusher, Alexander and Lowman: AN ACT relating to registration of coal trucks.

HB 375, by Representative Edmunds: AN ACT relating to the holding of Circuit Courts when, from any cause, the Judge thereof shall fail to attend or, if in attendance, cannot properly preside.

HB 376, by Representative Colley: AN ACT relating to the jurisdiction of quarterly and justices' courts.

HB 377, by Representative Isler: AN ACT relating to planning and zoning.

HB 378, by Representative Nichols: AN ACT relating to notaries public.

HB 379, by Representative Ostertag: AN ACT relating to planning and zoning.

HB 380, by Representative Ostertag: AN ACT relating to planning and zoning.

HB 381, by Representative Hill: AN ACT relating to termination of parental rights.

HB 382, by Representative Hill: AN ACT relating to adopted children.

HB 383, by Representatives Ray and Osborn: AN ACT establishing a commission for the study and evaluation of the system of public education in Kentucky.

HB 384, by Representatives Garner, Hill, Denham, Dexter, Summe and Burress: AN ACT relating to taxation of oil and gas rights.

HB 385, by Representatives Cowherd, Baumgardner, Ellis, Dowell, Miller, Rausch, Clark, Edmunds, Quinn, Hardwick, Childress, Houtchens, Harris, Slusher, Garner and Steiger: AN ACT relating to construction of National Guard Armories, and appropriating money therefor.

HB 386, by Representatives Ellis and Irick: AN ACT relating to appeals to the Court of Appeals.

HB 387, by Representative Robinson: AN ACT authorizing the City Council of the cities of the first, second, third, fourth, fifth and sixth class to call an election to be held at the same time that other regular elections are held, etc.

HB 388, by Representative Neel: AN ACT relating to issuance of bonds by a city housing commission.

HB 389, by Representative Ray: AN ACT relating to the disposition of unclaimed property.

HB 390, by Representative Cottengim: AN ACT relating to wages and hours.

HB 391, by Representative Cottengim: AN ACT relating to apprenticeship.

HB 392, by Representatives Ford, Ellis, Haley, Hislope, Buckman, Neel and Wathen: AN ACT relating to the Legislative Research Commission.

HB 393, by Representatives Clark, Hays, Osborn and Charles C. Carter: AN ACT relating to the jurisdiction of juvenile courts.

HB 394, by Representative Osborn: AN ACT relating to advertising.

HB 395, by Representatives Qualls, Rayburn, Dobyns, Lyon, Hardin, Nolan, Robinson, Faulkner and Hall: AN ACT relating to protection of dogs and livestock.

Representative Ray moved to adjourn until 9:00 A.M., February 26. Agreed.

FORTY-SECOND LEGISLATIVE DAY

FRIDAY, FEBRUARY 26, 1960

The House was called to order by the Speaker.

Invocation by Reverend Herbert Ward Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives Cowherd, Denham, Faulkner, Hall, Hampton, Harris, Fred Morgan, Neel, Parrish, Reynolds, Young, Earl Carter, Davis, Hardwick, Murphy, Tanner, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 25, dispensed with and the same approved on motion of Representative Isler.

Representative Rayburn announced had he been present February 23 he would have voted aye on **HB 207.**

Introduction of Resolutions

HR 77, by Representative Colley:

HR 77, A RESOLUTION requesting the Governor of the Commonwealth to issue an executive order extending the deadline for registering motor vehicles for the year 1960.

WHEREAS, the recent extreme weather conditions have made travel within the state extremely hazardous; and

WHEREAS, many citizens have been unable to travel to the county seat to register their automobiles and trucks for the year 1960; and

WHEREAS, it appears that the weather conditions will not substantially improve before March 1, 1960, the date by which all motor vehicles are required to be registered for the year 1960;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Governor be, and he hereby is, requested to issue an executive order extending the deadline for registering motor vehicles for the year 1960.

Representative Colley moved the adoption of **HR 77.** Agreed.

HR 78, by Representatives Robinson, Ray and Lowman:

HR 78, A RESOLUTION adjourning in memory of Mrs. Cora L. Sturgill.

WHEREAS, word has just reached this House of the death of Mrs. Cora L. Sturgill, the mother of Mr. Troy Sturgill, the Chief Clerk of the House of Representatives; and

WHEREAS, this House is desirous of expressing its sympathy to Mr. Sturgill in his bereavement, and to the members of the family;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives adjourns today, it does so in memory of Mrs. Cora L. Sturgill.

Section 2. That the House of Representatives extends to Mr. Troy Sturgill and other members of the family its profound and deepest sympathy.

Section 3. That the Assistant Clerk of the House of Representatives be directed to present a copy of this Resolution to Mr. Troy Sturgill. Representative Robinson moved the adoption of **HR 78.** Agreed.

Representative Hislope moved the adoption of **HR 53.** Agreed.

Senate Message

Announcing passage of **HB 71, SB 148, SB 149, SB 150, SB 153** and **SB 159.**

Representative Hall moved that **SB 26** be laid on Clerk's desk.

On the roll call, the vote was yeas 12—Buckman, Burress, C. C. Carter, Clark, Cook, Paul Cornett, Crecelius, Garner, Hall, Hays, Lankford, G. T. White. Nays 48—Barton, Bates, Baumgardner, Brizendine, Castle, Caudill, Childress, Chumbler, Colley, Dean, Dexter, Edmunds, Ellis, Farmer, Fern, Fitzpatrick, Haley, Hardin, Hill, Hinkle, Houtchens, Irick, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Neel, Nichols, Nolan, Ostertag, Osting, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Roberts, Robinson, J. D. Smith, Steiger, Stidham, Treas and Wood. The motion to lay **SB 26** on the Clerk's Desk was rejected.

Report of Committees

Committee on Mines and Minerals reported **HB 264** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 264, AN ACT relating to coal and other natural resources, to be known as the J. D. Smith Coal Research Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise, the term "research" includes scientific, technical, and economic research and the practical application of that research.

Section 2. The Department of Economic Development shall formulate and execute an extensive overall research program designed to develop new and more effective uses for coal and other natural resources and to improve and expand existing uses for coal and other natural resources.

Section 3. The department shall:

(1) Contract for, sponsor, cosponsor, and promote the coordination of research projects conducted by the federal government and its agencies, industrial associations, educational institutions, qualified nonprofit organizations, qualified private consulting firms, and other agencies. In this phase of the program the department shall attempt to make use of every existing suitable research facility in Kentucky.

(2) Collect and promote the coordination of all available research information on the production, preparation, distribution, and uses of coal and other natural resources.

(3) Make available to the public generally all information, uses, products, processes, patents, and other developments resulting from research authorized by this Act.

(4) Cooperate to the fullest extent possible with all state government agencies, federal government agencies, departments, independent establishments, and all other interested agencies, governmental and non-governmental, public and private, domestic and foreign. Before the department initiates any research under the authority of this Act it shall first consult with such departments, agencies, or independent establishments of the federal government and of state governments in order to avoid duplication of effort and expense.

(5) Conduct research projects itself only when it is unable to contract or otherwise provide for the desired research to be conducted by any other qualified organization or medium on reasonable terms and conditions.

Section 4. (1) Whenever in the estimation of the department the purposes of this Act would be furthered through the use of patented processes or equipment, the department is authorized to enter into such agreements as it deems necessary for the acquisition or use of such patents on reasonable terms and conditions.

(2) The department is authorized to acquire by condemnation, purchase, lease, or otherwise such real property as may be necessary to enable it to carry out its duties under this Act.

(3) The department may accept funds that are donated or otherwise made available to it, and spend them in the program established by this Act.

Section 5. (1) The department may conduct the program established by this Act from one physical office. The office may be located in or near a government or academic research center, and it may be moved.

(2) The department shall employ a research specialist to conduct the program established by this Act, and such other employes as may be necessary. The research specialist shall be a person with experience in industrial or chemical research.

Section 6. The department may finance studies by academic institutions or academic persons under the program established by this Act. The department shall recommend to the Governor the institutions and persons to which and the specific purposes for which study grants should be made, and grants shall be made by the Governor. In making its recommendations the department may call special attention to institutions or persons that have developed or promise to develop a new chemical, a new by-product, or another derivative from coal or other natural resources.

Section 7. (1) To advise the department on the program established by this Act, the Resources Research and Development Advisory Committee is established. One of the members shall be the Superintendent of Public Instruction, and one shall be a representative of organized labor, to be appointed by the Governor. Members representing the coal industry and other members shall be appointed by the Governor.

(2) The members of the committee shall receive no salary for services performed on the committee, but may be reimbursed for necessary travel expenses incurred in connection with attendance at official meetings of the committee or of subcommittees.

Section 8. The Governor is authorized to further the program established by this Act by entering into appropriate agreements with other states.

Section 9. In cooperation with the Superintendent of Public instruction and the governing bodies of the state institutions of higher learning, the department shall, wherever feasible, make plans and provisions for extending the program established by this Act into the regular courses of instruction in chemistry in the public high schools and junior colleges, and state universities and colleges.

Committee on Criminal Law reported **HB 286** and **HB 283** with the expression of opinion that the same should not pass.

Committee on Veterans and Military Affairs reported **HB 52** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 52, AN ACT relating to the effect of notarial acts performed by commissioned officers of the Armed Forces.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 384.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the acknowledgment of instruments and the performance of official acts in respect to instruments in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other such official acts performed, before or by any commissioned officer in active service of the Armed Forces of the United States with the rank of second lieutenant or higher in the Army or Marine Corps, or with the rank of ensign or higher in the Navy or Coast Guard, or with equivalent rank in any other component part of the Armed Forces of the United States, by any person who either

(a) Is a member of the Armed Forces of the United States, or

(b) Is the spouse of a member of the Armed Forces of the United States, or

(c) Is serving as a merchant seaman outside the limits of the United States, or

(d) Is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

(2) Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are hereby declared legal, valid and binding, and instruments and documents so acknowledged, authenticated, or sworn to shall be admissible in evidence and eligible to record in this state under the same circumstances, and with the same force and effect as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other official act, had been made or taken within this state before or by a duly qualified officer or official and under his appropriate certificate and seal of office as otherwise provided by law.

(3) In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or document, which shows the date of the notarial act and which states, in substance, that the person appear-

ing before the officer acknowledges the instrument as his act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes.

(4) When the official signature of any such commissioned officer of the rank specified in subsection (1) of this section appears upon such instrument, document or certificate, it shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this section.

Committee on Kentucky Statutes #3 reported **HB 99**, **HB 134**, **HB 148**, **HB 182**, **HB 221**, **HB 240**, **HB 243**, **HB 248**, **HB 144**, **HB 259**, **HB 263**, **HB 265**, **HB 281**, **HB 131**, **HB 308**, **HB 314**, **HB 317**, **HB 296**, **HB 318**, **HB 337**, **HB 295** and **HB 125** with the expression of opinion that the same should not pass.

Committee on Kentucky Statutes #3 reported **HB 165** and **HB 266** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 165, AN ACT relating to determining the amount distributaable to each school district from the Public School Foundation Program Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The amount of money distributable to each district from the Public School Foundation Program Fund shall be determined by subtracting the required local tax effort and any portion of federal funds required to be included, as set forth in subsection (4) of KRS 157.380, from the total foundation program allotment for the district as determined in KRS 157.390.

(2) If it shall be determined in KRS 157.400 subsection (1) that amount of money distributable to a district from the Public School Foundation Program Fund for any year is less than the combined total of $80 per pupil in average daily attendance plus an additional amount per pupil in average daily attendance equal to the same proportion of $80 per pupil as the proportion by which the Public School Foundation Fund for that year exceeds the total amount of said fund for the 1959-60 school year, then the apportionment to that district shall be increased to said combined total amount per pupil in average daily attendance as set out above; provided, however, if a district fails to provide the total potential classroom units under KRS 157.360 subsections (2), (6), (7) and (8) and at least as many classroom units under KRS 157.360 subsections (4) and 5) as were provided in 1959-60, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(3) If a district fails for any reason to make the required local tax effort, as provided in KRS 157.380, the amount of the apportionment of the Public School Foundation Program Fund to be paid to such district under subscetions (1) and (2) of this section shall be reduced by the percentage of loss from the required local tax effort.

(4) So much of the Public School Foundation Program Fund which would not be distributed under subsections (1), (2) and (3) of this section, due to the failure of one or more participating districts to meet the full requirements, shall be held in the account for distribution the following year among districts which meet the requirements for participation.

HB 266, AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 100.364 (1), (2), and (3) of the Kentucky Revised Statutes are hereby repealed.

Section 2. Section 100.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise specifically provided in KRS 100.031 to 100.097, or in KRS 100.980 or in this section, any person, firm, or corporation violating any provisions of KRS 100.020 to 100.970 or of any ordinance, resolution or order, or adjustment or amendment thereto, passed, adopted or approved under authority of KRS 100.020 to 100.970, or any lawful order of the commission or the board or the zoning enforcement officer, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than twenty days, or both so fined and imprisoned. Each and every day during which such violation continues shall be deemed a separate offense.

(2) Any clerk violating subsection (2) of KRS 100.092 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars.

(3) Any owner or agent who violates subsection (1) of KRS 100.093 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars for each lot or parcel so transferred or sold or agreed to be sold.

(4) Any person who violates any of the provisions of KRS 100.500 to 100.600, or any ordinance or regulation made thereunder, is guilty of a misdemeanor.

(5) Any county clerk who violates the provisions of subsection (1) of KRS 100.730 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(6) Any person who tansfers or negotiates to transfer any land in violation of the provisions of subsection (2) of KRS 100.730 shall pay to the city a penalty of one hundred dollars for each parcel of land so transferred.

Committee on Revenue and Taxation reported **HB 44** with the expression of opinion that the same should pass with committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 44, AN ACT relating to natural gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Gas" means natural gas and casinghead gas;

"Gathering gas" means the first taking or the first retaining of possession of gas produced in Kentucky for transmission through a pipe line, after the severance of such gas, and after the passage of such gas through any separator, drip, trap or meter that may be located at or near the well;

(2) "Department" means the Department of Revenue.

Section 2. Any county may impose a tax for school purposes of not more than one-half of one cent per thousand cubic feet of gas gathered. Such tax shall be used for the purpose of supplementing the salaries of the school teachers of the county, and shall not be considered in computing any appropriation from state funds for any purpose.

Section 3. Every person engaged in gathering gas produced in the levying county shall make a verified report to the county tax commissioner by the twentieth day of each month succeeding each month in which gas is gathered, showing the quantity gathered from such county. This report shall be made on blanks furnished and prescribed by the department. All taxes imposed by this Act shall be due and payable for the period covered by the report, on the same date that the report is required to be filed and shall become delinquent on the tenth day after the date fixed as the due date of the tax, and as the due date for the filing of the report.

Section 4. (1) Every person liable for the tax imposed by this Act shall keep books and records showing the quantity of gas gathered by him. These books and records shall be maintained in this state and shall be open to the inspection of all officers authorized by the department to enforce the collection of this tax, and all county tax commissioners or their deputies.

(2) Every person liable for this tax shall make available for inspection by all officers authorized to enforce the collection of this tax, all meter charts kept by him or to which he may have access.

Section 5. (1) Any person required to pay taxes under the provisions of this Act who fails to do so before becoming delinquent shall pay a penalty of ten percent on the amount of tax due, and shall pay an additional penalty of five percent on the first day of each month so long as the tax remains due and unpaid, except the total penalty paid shall not exceed twenty-five percent of the tax due.

(2) Any person who violates any of the provisions of this Act may be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months, or both.

Committee on Kentucky Statutes #3 reported **HB 320** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 320, AN ACT relating to alcoholism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 222.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the time fixed, the Court shall hear evidence on said petition, with or without the presence of the alleged alcoholic, and all persons interested shall have the right to appear and present evidence concerning the truth and correctness of the allegations of the petition.

(2) The court, in its discretion, may require that the alleged alcoholic be examined by the county health officer or by such other competent physician or physicians as the court may select, and may consider the results of such examination in reaching a decision. The physician, unless he is the county health officer shall receive ten dollars for each examination, to be paid by the county in which the commitment is made.

(3) If the alleged alcoholic shall admit the truth and correctness of the allegations of the petition, or if the court shall find from the evidence that such person is an alcoholic and is in need of detention, care and treatment in an institution, he shall enter an order so finding and shall order that such person be remanded and committed to and confined in the proper state hospital with facilities for treatment of alcoholics to be designated by the Commissioner of Mental Health for care and treatment for a period not to exceed six months.

Section 2. Section 222.160 of the Kentucky Revised Statutes is amended to read as follows:

When such person shall be so committed, the staff of the hospital shall be vested with full discretion as to the treatment and discharge of such person, and may discharge and release such person at any time when the condition of such person shall so justify but in no event shall such person be confined for a period of longer than six months.

Section 3. Section 222.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any person is committed under KRS 222.150 the court shall at once notify the hospital that such an order has been made and shall designate a competent attendant to convey the person to the institution.

(2) The county from which such person is committed shall pay the cost of transportation for the patient and the attendant.

Committee on Kentucky Statutes #3 reported **HB 332** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 332, AN ACT relating to vacancies in county offices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 63.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) A vacancy in the office of sheriff, coroner, surveyor, county clerk, county attorney, jailer, constable or county tax commissioner, shall be filled by the county court.

(2) A vacancy in the office of circuit court clerk shall be filled by the circuit judge of the district. In those districts where there is more than one circuit judge, said vacancy shall be filled by a majority of the circuit judges of said district concurring therein, and upon failure of the majority to agree, then said fact shall be certified to the Governor, who shall fill said vacancy.

(3) Appointments to fill vacancies under this section shall be until the successor is elected, as provided in section 152 of the Constitution, and qualified.

Committee on Ways and Means reported **HR 42, HB 292, SB 28** and **HB 340** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 42, A JOINT RESOLUTION to change the site of the William Goebel statue from the New to the Old State Capitol.

WHEREAS, on January 30, 1900 the Honorable William Goebel was shot by an assassin; and

WHEREAS, this fatal event occurred in the yard of the Old State Capitol; and

WHEREAS, a memorial to this statesman was erected in front of the New State Capitol; and

WHEREAS, it is the intention of the General Assembly of this Commonwealth to synchronize the aforementioned memorial with the location of said assassination;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That this monument be removed from its present site at the New State Capitol to a suitable location at the Old State Capitol which location shall be designated by the Kentucky Historical Society.

Section 2. Moving and relocating of the monument shall be carried out by the Department of Highways.

HB 292, AN ACT relating to county buildings and the financing thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise, "commission" means "County Building Commission".

Section 2. Upon the fiscal court adopting an order reciting the necessity of the financing of a county building or buildings of any type and requesting the county judge to appoint a County Buildings Commission, the county judge of such county shall thereupon appoint a County Buildings Commission composed of three members. One of such members shall have his term of office designated as three years, one of such members shall have his term of office designated as two years and the remaining member shall have his term of office designated as one year. Upon the expiration of the term of office of each of these commissioners, the county judge shall appoint a commissioner to succeed him to serve for a term of three years. Each commissioner shall execute a bond to be approved by the county judge and shall be sworn to faithfully perform the duties of his position. Vacancies shall be filled by the county judge.

Section 3. (1) The commissioners shall elect a chairman, secretary and treasurer.

(2) The treasurer of the commission shall pay out the funds of the commission only upon presentation of warrants signed by the chairman and countersigned by the secretary of the commission. The treasurer shall execute bond to the commission in an amount fixed by the commission.

Section 4. The commission shall be a public corporation and commission and shall be considered as a public agency and instrumentality of the county whose county judge appoints same, in order to finance projects under the provisions hereof.

Section 5. (1) For the purpose of providing county buildings for county purposes, the county of which the members of such commission are residents may convey to the commission a fee simple title, with covenant of general warranty, to a site now held or hereafter acquired by such county.

(2) Every commission to which a site for a building has been conveyed, as provided in subsection (1) hereof, shall enter into a contract or contracts with some person for the erection on the site of a building with the necessary appurtenances according to the plans and specifications adopted by the commission and approved by the county.

Section 6. Immediately upon the approval of the plans and specifications, as provided in subsection (2) hereof, the county shall offer to lease the building for a term of one year from the time the building is completed and ready for occupancy. The lease, by its terms, shall give the lessee the option to extend the lease from year to year for periods of one year until the original term of the lease has been extended for the total number of years acceptable to the commission, not exceeding thirty years, at a rental which, if paid for the original term and for each of the full number of years for which the term is extended, will amortize the total cost of the erection of the building and appurtenances, provide an adequate maintenance fund and, in addition thereto, a sum sufficient to pay the cost of insuring the building against loss or damage by fire and windstorm or other calamity in such sum as may be agreed upon by the parties thereto.

Section 7. Any commission may establish and erect county buildings and necessary appurtenances within the county, under the provisions hereof, for the purpose of supplying the county with adequate buildings necessary to carry out its duties and powers.

Section 8. (1) When any commission desires to construct a building under the provisions of Section 7 hereof, the commission shall, by resolution, cause plans and specifications for the building to be duly made and filed in the office of the county clerk. The plans and specifications shall give a full description of the building to be constructed, the details thereof and the manner of construction. The plans and specifications shall be prepared by an architect selected by the commission and approved by the county.

(2) If the plans and specifications are approved and if the county offers to lease the building under a lease of the kind provided in Section 6 hereof, the commission shall cause its secretary to advertise

for bids, and thereafter the commission, through its chairman, may contract for the construction of the building.

Section 9. For the purpose of defraying the cost of constructing or acquiring any buildings and appurtenances thereto under the provisions of Section 7 hereof, any commission may borrow money and issue negotiable bonds. No such bonds shall be issued until the conditions of Section 8 hereof have been complied with and until authorized by a resolution specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear, not exceeding six percent per annum. The resolution shall further provide that the building or buildings and appurtenances are to be constructed or acquired under the provisions hereof.

Section 10. (1) All bonds issued under the provisions hereof may bear interest at a rate not exceeding six percent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding thirty years from the date thereof, and at such place as the commission determines. The bonds shall be sold in such manner and upon such terms as the commission deems for its best interests.

(2) All bonds issued under the provisions hereof shall have all of the qualities of negotiable instruments and shall not be subject to taxation. If any of the officers whose signatures appear on the bonds or coupons cease to be such officers before delivery of the bonds, the signatures shall nevertheless be valid for all purposes, the same as if the officers had remained in office until delivery. The bonds shall be payable solely from revenue derived from the building, as provided in Section 14 hereof, and shall not constitute an indebtedness of the commission within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that it was issued under the provisions hereof and does not constitute an indebtedness of the commission.

Section 11. All money received from any bonds issued pursuant to the provisions hereof shall be used solely for the establishment or erection of the building and necessary appurtenances, except that the money may be used also to advance the payment of the interest on bonds during the first three years following the date of the bonds. There shall be a statutory mortgage lien upon the buildings and appurtenances in favor of the holder of the bonds and coupons.

Section 12. The building and appurtenances shall remain subject to the statutory mortgage lien provided by Section 11 hereof, until the payment in full of the principal and interest on the bonds. Any holder of the bonds or of any of the coupons may, either at law or in equity, protect and enforce the lien and may by action enforce and compel performance of all duties required herein, including the making and collecting of sufficient rents, the segregation of income and revenue and the application thereof.

Section 13. If there is any default in the payment of principal or interest on any of the bonds, any court having jurisdiction of the action may appoint a receiver to administer the building on behalf of the commission, with power to charge and collect rentals sufficient to provide for the payment of any bonds or obligations outstanding against the building and for the payment of operating expenses and to apply the income and revenues in conformity with the provisions hereof and of the resolution authorizing such bonds.

Section 14. At or before the issuance of the bonds, the commission, by resolution, shall set aside and pledge the income of the building into a special fund to be used and applied in payment of the cost and maintenance of the building. The resolution shall definitely fix the amount of revenues necessary to be set aside and applied for the payment of principal and interest on the bonds. The balance of the income shall be set aside for the reasonable and proper maintenance of the building, including a sufficient sum to pay the cost of insurance. The commission may provide by resolution any provision and stipulation it deems necessary for the administration of the income for the security of the bondholders.

Section 15. The sinking fund shall be deposited in a depository selected by the commission. The deposit, where practicable shall be continuously secured by a pledge to the commission of direct obligations of the United States, exclusive of accrued interest, at all times at least equal to the balance on deposit in the account or in some other manner acceptable to the purchasers or holders of the bonds. The securities shall be deposited with the commission or held by a trustee or agent satisfactory to such commission. The sinking fund may be invested in direct obligations of the United States.

Section 16. If a surplus is accumulated in the maintenance fund equal to the cost of maintaining the building during the remainder of the calendar or fiscal year, as may be provided by the resolution required by Section 14 hereof, and the cost of maintaining and operating the building for the succeeding like calendar or fiscal year, the excess over such amount shall be transferred to the sinking fund.

Section 17. (1) The commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the proceedings prescribed for the issuance of the original bonds. The refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which are refunded.

(2) If the commission finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the same procedure.

Section 18. When the county has paid rent sufficient to amortize the cost of erecting the building and appurtenances and to maintain the building and pay the cost of insurance, the commission shall thereupon convey the premises to the county and shall transfer any balance remaining in the funds provided for in Sections 14 and 16 hereof to the account of the county.

Section 19. Notwithstanding any of the other provisions hereof, the commission may, by declaring its desire to do so, provide, in addition to all of the other provisions authorized herein, in connection with the issuance of its bonds, that such bonds shall be its general obligations and may, in connection with the issuance of its bonds, execute a mortgage deed of trust in favor of a trustee, providing that in the event of default by the commission in the payment of interest or principal of its bonds or in the event of default of any other covenant contained in such mortgage deed of trust the trustee, upon behalf of the bondholders, may institute and carry through foreclosure proceedings, with the property secured by the mortgage deed of trust put up for sale on foreclosure proceedings, the proceeds of such sale to be used for the benefit of the bondholders. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and in order to make such bonds salable with the interest cost to the commission. If the commission declares its intent by resolution to follow the provisions of this section, and in order to do so it is necessarily inconsistent that the provisions of any other sections of this law be complied with, such other provisions of this law which are necessarily inconsistent with the provisions of this section shall not be complied with to the extent but only to the extent of such necessary inconsistency. If general obligations of the commission are issued pursuant to the provisions of this section, such obligations shall be general obligations only of the commission as a public corporation and shall not be general obligations of the individual members of such commission to any extent. It is the intent of this section to permit the commission, if it desires to do so, to issue obligations under this section which may also be secured in the same way that obligations issued under the provisions of other sections of this law are secured, to the full extent that this may be done consistent with the provisions of this section.

Section 20. The provisions hereof are additional and alternate methods for the acquisition of buildings by counties and do not include, alter, amend or repeal any other statute. No proceedings shall be required for the issuance of any bonds under the provisions of this law, except such as are prescribed herein.

Section 21. The provisions of this law are severable, and if any section, paragraph, clause or provision should ever be held to be invalid, it shall not affect the validity of the remaining provisions of this law, it being hereby declared to be the intent that the provisions which are valid shall be upheld and in full force and effect.

SB 28, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before July 1 of each year the Department of Revenue shall determine the agregate assessed value of all property subject to assessment for school tax purposes, and shall determine the percentage the equalized value of property in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district. If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(2) In determining the required local tax effort for districts which participate in the public school foundation program fund, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hunderd and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the public school foundation program fund, the multiplier shall be one dollar.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

(4) No funds received as payment in lieu of property taxes from the federal government, Tennessee Valley Authority, or other federal agency shall be added to the district's required local tax effort.

HB 340, AN ACT relating to Liquefied Petroleum Gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 234.120 is amended and re-enacted to read as follows:

(1) Subject to the exceptions provided in subsection (2), no person shall engage in any of the businesses set out herein without first having obtained from the Commissioner of Public Safety the required license or licenses and paid the prescribed fee therefor:

(a) Selling, to the ultimate consumer and/or user, of liquefied petroleum gas, of liquefied petroleum gas containers, or of liquefied petroleum gas regulating equipment for use with liquefied petroleum gas. -------------------- $ 50.00

(b) Assembling, repairing, installing and/or connecting of liquefied petroleum gas containers, or regulating equipment, or liquefied petroleum gas appliances, or any liquefied petroleum gas utilization equipment, or the filling of I.C.C. liquefied petroleum gas containers of less than one hundred pounds capacity. -- $ 25.00

(c) Selling and/or delivering liquefied petroleum gas in prefilled containers (this does not authorize the filling of containers or delivery by tank truck). ---------------------- $ 50.00

(d) The selling of liquefied petroleum gas for use in motor vehicles, as a motor fuel, from storage containers, dispensing devices, and pertinent equipment. --------------- $ 25.00

(e) Engaging in all the businesses set out in paragraphs (a), (b), (c) and (d), and having not more than five hundred customers (this license shall be in lieu of the four individual licenses required by paragraphs (a), (b), (c), and (d). ------ $ 50.00

(f) Engaging in all the businesses set out in paragraphs (a), (b), (c), and (d) and having more than five hundred customers . . . to be licensed under paragraph (k) which license shall be in lieu of all other licenses. ---------------------- $100.00

(g) Storing, for resale, of liquefied petroleum gas in other than I.C.C. containers. ---------------------------- $100.00

(h) Transporting of liquefied petroleum gas, by tank truck, over the highways of this state. ------------------- $100.00

(i) Delivering of liquefied petroleum gas to any person, by tank truck, or the delivering, to any person other than the ultimate consumer, in containers, except where the delivering is incidental to the carrying on of a business licensed under paragraph (f) herein. ---------------------------------- $100.00

(j) The filling of liquefied petroleum gas containers of one hundred pound capacity or more. ------------------ $100.00

(k) Engaging in all or any combination of the businesses set out in paragraphs (a) to (j), inclusive (this license shall be in lieu of all individual licenses required herein). ------ $100.00

No person shall be required to obtain a license in order to engage in the following activities concerning liquefied petroleum gas:

(a) Storage, by the ultimate consumer, for consumption only.

(b) Transportation, by the ultimate consumer, in quantities of ten gallons or less.

(c) Handling in quantities of less than one gallon U.S. water capacity, where the gas is an integral part of a device for its utilization.

(d) Use as a fuel, while in the fuel tank of a motor vehicle.

(3) Any person engaged in any business for which a license is required under the provisions of subsection (2) and who engages in such business at more than one office or place of business in this state shall obtain a separate license for each such office or place of business and shall pay therefor the required license fee; except that for the purposes of issuance of licenses under subsection (2) all facilities for the storage only of liquefied petroleum gas for resale within a radius of twenty miles of an office or place of business shall be considered a part of such office or place of business and shall not require separate licensure.

Section 2. KRS 234.140 is amended and re-enacted to read as follows:

(1) The Commissioner of Public Safety, after a public hearing thereon, shall make, promulgate, and enforce regulations setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases, and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(2) The Commissioner of Public Safety shall further have the authority, after a public hearing thereon, to make, promulgate, and enforce such reasonable regulations requiring proof of financial responsibility, as are consistent with the method of handling and the volume of products handled, prior to the issuance of licenses required herein.

Section 3. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The Liquefied Petroleum Gas Bureau shall be under the direction of a Chief Inspector who shall be responsible to the Commissioner of Public Safety.

(2) Facilities used in any of the businesses, for whom a license is required by KRS 234.120, shall be subject to inspection by the Chief Inspector and Field Inspectors of the Liquefied Petroleum Gas Bureau.

(3) (a) Applications for positions of Chief Inspector, Field Inspector, and Administrative Assistant shall be made to the Bureau of Personnel. Minimum requirements of the officers and employees shall be arrived at jointly between the Department of Public Safety and the Department of Personnel and all rules of the Department of Personnel shall apply to these employees.

(b) Appointments shall be made for fitness after examination as provided herein. Any person so appointed shall be considered on probation for a period of one year from and after the date of his appointment, and during such period may be discharged or suspended with or without cause by the Commissioner of Public Safety. From and after the completion of one year's service, no Chief Inspector, Field Inspector, or Administrative Assistant shall be removed from his position except as provided in these regulations.

(4) There shall be in the Liquefied Petroleum Gas Bureau an Advisory Council composed of the Officers of the Kentucky Liquefied Petroleum Gas Association and five licensed Liquefied Petroleum gas operators appointed by the Commissioner of Public Safety for the purpose of giving technical assistance to the Commissioner of Public Safety and to the Chief Inspector. They shall serve without pay.

(5) Whenever a vacancy occurs in the position of Chief or Field Inspector, the Commissioner of Public Safety may appoint a Committee of the representatives of the Kentucky Liquefied Petroleum Gas Association, to assist him in filling said vacancy from a list of qualified applicants. They shall serve without pay.

Section 4. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Domestic and Commercial gas consuming equipment and appliances shall not be installed unless their correctness as to design, construction, and performance is certified by one of the following:

(a) Determined by a nationally recognized testing agency adequately equipped and competent to perform such services and shall be evidenced by the attachment of its seal or label to such gas appliances. This agency shall be one which maintains a program of national inspection of production models of gas appliances, at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or Approval Seal to gas appliances and a certificate or letter certifying approval under the above-mentioned requirements, or listing by Underwriters' Laboratories, Inc., shall be considered as constituting compliance with the provisions of this section, providing, that the manufacturer has approval and certification of same from the LP Gas Bureau, Department of Public Safety.

(2) Equipment not subject to A.G.A. or laboratory inspection, must have approval of the LP Gas Bureau of the Department of Public Safety.

Section 5. A new section of the Kentucky Statutes is enacted to read as follows:

(1) For plants storing liquefied petroleum gases, and used for the dispensing of liquefied petroleum gases in liquid state into container or containers, for resale, plans shall be submitted, in duplicate, to the LP Gas Bureau, Department of Public Safety, and shall be approved by said Bureau before construction is started. Plans so submitted shall show the following information as a minimum:

(a) The name and address of the owner, and the name and purpose of the plant proposed.

(b) Location of the proposed plant in relation to the nearest city, town, highways, railroads, and built up areas.

(c) A plot plan showing dimensions of the area proposed to be used for the plant, distances to the nearest property lines and the location and construction of any buildings which might affect the distances required under Regulations adopted by the Commissioner of Public Safety.

(d) Construction drawings showing the arrangement and construction of all tanks, tank supports, piping, accessories, buildings, and appurtenant items of construction. These drawings shall be in sufficient detail to allow a contractor who is familiar with tank and pipe installation but not necessarily familiar with LP-Gas installations to use such drawings to satisfactorily complete the installation without further instructions.

(e) A copy of the original Boiler Inspectors Report of inspection of the tank or tanks to be used or a reference to manufacturer's name and serial number of the tank so that such report may be obtained direct.

(f) The date of completion of the plans, the dates of any subsequent revisions and the signature of the person assuming responsibility for the correctness of the plans.

(2) For plants, installed for industrial or commercial usage, having a nominal water capacity of 150 gallons or over and serving an aggregate BTU usage of 150,000 BTUs or over and/or used for dispensing Liquefied Petroleum Gas into other containers, not for resale, a report of installation, giving location and equipment installed, must be made to the LP-Gas Bureau, Department of Public Safety, not later than ten (10) days after installation.

Section 5. A new section of the Kentucky Statutes is enacted to read as follows:

(1) No person (other than a workman accompanied and supervised by a person with an applicable Employee's Permit shall perform

installation, service, operation, maintenance, or LP Gas delivery in connection with Liquefied Petroleum Gas without having first obtained the applicable permit from the Commissioner of Public Safety.

(2) No licensee under KRS 234.120 may perform or permit any employee to perform unsupervised installation, service, operation, maintenance, or gas delivery without first having obtained the permit or temporary permit herein referred to.

(3) (a) Applications for applicable employee's permits shall be made only by licensees under KRS 234.120 for and on behalf of such employees.

(b) The Commissioner of Public Safety shall require every applicant for an employee's permit to pass a written or oral examination, as a condition of obtaining such permit; provided, however, that he may, in his discretion, issue a temporary permit to an applicant who has not passed the examination but who has presented other evidence of his qualifications to handle liquefied petroleum gas.

(c) The Commissioner of Public Safety shall provide reasonable opportunities for applicants to take the written or oral examination and shall revoke a temporary permit if the applicant fails to pass the examination within a reasonable time.

(d) Permits shall be renewed upon application of licensee on behalf of his employee without re-examination unless there are changes in prescribed procedures which, in the opinion of the Commissioner of Public Safety, require re-examination of all holders of permits.

Section 6. KRS 234.990 is amended and re-enacted to read as follows:

(1) Any person who violates any of the provision of this chapter except the regulations promulgated under KRS 234.120 or other sections of the Act shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

(2) Any person who violates any regulation promulgated under Chapter 234 of the Kentucky Revised Statutes and after having been given notice to cease and desist unless said violation was corrected within ten days shall be fined not less than twenty-five dollars nor more than two hundred dollars for each day said violation continues subsequent to the ten day period.

(3) If in the opinion of the authority having jurisdiction, any person violating any of the regulations whereby there exists an immediate danger to the public or individual, an immediate notice of cease and desist may be issued, and failure to comply with notice shall be held in violation, and failure to comply immediately upon presentation of said notice shall result in a fine of not less than twenty-five dollars nor more than two hundred dollars for each day said violation continues subsequent to the day of issuance of notice.

Committee on Legislative Affairs reported **HB 159** with the expression of opinion that the same should pass with committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 159, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 7.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Lieutenant Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, the majority and minority floor leaders of the Senate and the House of Representatives, one member from the Senate elected by the membership of the Senate in a manner prescribed by the Senate, and one member from the House of Representatives elected by the membership of the House of Representatives in a manner prescribed by the House of Representatives. Immediately upon this Act taking effect the Senate and the House of Representatives shall fill the membership on the Commission by each electing one member thereto, and the two members upon being so elected shall be members of the Commission. At each regular session of the General Assembly thereafter, the Senate and the House of Representatives each shall elect one member to the Commission immediately after the election of constitutional officers and announcement of Floor Leaders for the session. Any vacancy in the Commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The Lieutenant Governor shall be ex officio, chairman of the Commission.

(2) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the chairman may determine. Meetings of the Commission shall be called by the chairman on his own initiative, or at the written request of any three members of the Commission. For attending meetings between sessions, whether regular or special, of the General Assembly, the members of the Commission, or any sub-committee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars per day.

(3) The Commission shall appoint a director, who shall have had graduate training in government in a recognized university or

college or practical experience in governmental administration, and who shall hold office at the pleasure of the Commission. The salary of the director shall be determined by the Commission. The Commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.

(4) Any professional, clerical or other employes required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chairman of the committee shall advise the director of the Legislative Research Commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the Commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the Commission.

(6) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

Section 2. Whereas, it is necessary that the two members elected from the respective Houses assume membership on the Commission as soon as possible to assist in the effective organization of the Commission for the coming biennium, an emergency is declared to exist and that this Act is to take effect immediately upon its passage and approval by the Governor.

Committee on Ways and Means reported **HB 336** and **SB 91** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 336, AN ACT relating to the Uniform Support of Dependents Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 407.100 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

bler, Clark, Colley, Cook, Paul Cornett, Cowherd, Dexter, Farmer, Fields, Ford, Garner, Griffin, Haley, Hall, Hampton, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Lovins, Lyon, Ben Martin, C. H. Martin, Miller, Moloney, Moorman, L. F. Morgan, Nichols, Nolan, Osborn, Ostertag, Osting, Qualls, Quinn, Rausch, Render, Reynolds, Robinson, A. C. Smith, Virgil Smith, Steiger, Summe, Treas, Tucker, G. T. White, J. E. White, Young. Nays 14—Cottengim, Crecelius, Dean, Edmunds, Hill, Ellis, Lankford, Neel, Peniston, Roberts, Spurrier, Stacy, Tanner, Wood. The motion that **SB 96** be laid on the Clerk's desk was agreed.

SB 46 and **HB 250** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their position in Orders of the Day. Agreed.

HB 273 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Hopkins moved to amend **HB 273** as follows: "Amend printed copy of HB 273 on page 3, section 3(a), lines 6 and 7 by deleting both lines and substituting the following: "administration, the Attorney General or his designated assistant, the Director of the Division of Finance, the". Agreed.

On the roll call, the vote was yeas 89—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 273** was passed and the title agreed to.

HB 274 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved to amend **HB 274** as follows: "Amend printed copy of **HB 274** on page 2, section 1, line 31 and 32 by deleting "the cost of insurance on said voting machines." Agreed. Amend printed copy of **HB 274** on page 4, section 4(d), line 37 by deleting the words "and insure". Agreed.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Caudill, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hampton, Harris, Hays, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Robrets, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgiil Smith, Steiger, Stidham, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 274** was passed and the title agreed to.

HB 275 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 75—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Caudill, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Harris, Hays, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 5—Cornett, Hall, Hardwick, Hislope, Spurrier. **HB 275** was passed and the title agreed to.

Committee on Enrollment reported **SB 32, SB 10, SB 44, HB 71, HB 104, HB 152** and **HB 175** had been examined and found correctly enrolled. **SB 32, SB 10, SB 44, HB 71, HB 104, HB 152** and **HB 175** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

SB 32, SB 10, SB 44, HB 71, HB 104, HB 152 and **HB 175** delivered, signed by President of the Senate. Ordered delivered to the Governor.

HB 276 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 69—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardwick, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Ostertag, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 276** was passed and the title agreed to.

HB 277 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 87—Alexander, Bates, Baumgardner, Brizendine, Buckman, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 277** was passed and the title agreed to.

SB 82 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas—84—Alexander, Bates, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0.—**SB 82** was passed and the title agreed to.

HB 210 and **HB 193** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

Introduction of Bills and Resolutions

HB 403, by Representatives Davis and Cottengim: AN ACT relating to employes of fire departments in cities of the first class.

HB 404, by Representatives Ellis and Irick: AN ACT relating to income taxes.

HB 405, by Representatives Rausch and Quinn: AN ACT relating to deputy constables.

HB 406, by Representative Harris: AN ACT relating to truck traffic.

HB 407, by Representative Cottengim: AN ACT relating to the abandonment of dedicated streets.

HB 408, by Representative Cottengim: AN ACT relating to punishment.

HB 409, by Representative Denham: AN ACT relating to school districts.

HB 410, by Representatives Ellis and Dowell: AN ACT relating to police court hours.

HB 411, by Representative Nolan: AN ACT relating to board of education.

HB 412, by Representative Bates: AN ACT relating to testimony and services of optometrists.

HB 413, by Representatives Fred Morgan and Miles: AN ACT relating to municipal colleges in cities of the second class.

HB 414, by Representative Nolan: AN ACT relating to insurance on State Police motor vehicles.

HB 415, by Representatives Treas, Miles, Albert C. Smith, Lovins, Houtchens, Davis, Glen T. White, Harris, Virgil Smith, Barton, Faulkner, Chumbler, Cowherd, Ellis and Earl Carter: AN ACT relating to the municipal acquisition, ownership and operation of utility facilities and systems.

HB 416, by Representatives Hislope, Castle, Griffin and John E. White: AN ACT relating to depositing materials on highway rights of way.

HB 417, by Representatives Hislope, Griffin and John E. White: AN ACT relating to Congressional Districts.

HB 418, by Representatives Hislope, Buckman, Cornett, and Castle: AN ACT relating to newspapers.

HB 419, by Representatives Irick, Fitzpatrick, Cole and Ellis: AN ACT relating to medical insurance for members and employes of the General Assembly.

HB 420, by Representatives Irick, Cole, Ellis and Colley: AN ACT relating to registration and purgation.

HB 421, by Representatives Irick, Fitzpatrick, Cole and Ellis: AN ACT relating to payment of teachers' salaries.

HR 80, by Representative Fitzpatrick, Luther F. Morgan, Colley, Cole, Summe, Garner, Tucker, Dobyns, Glen T. White, Davis, Ellis, Irick, Ostertag, Moorman and Cook: A JOINT RESOLUTION for the benefit of officers and employes of the Senate and House of Representatives; and declaring an emergency.

Representative Ray moved to adjourn until 12:00 Noon, March 1. Agreed.

FORTY-FIFTH LEGISLATIVE DAY

TUESDAY, MARCH 1, 1960

The House was called to order by the Speaker.

Invocation by Reverend J. Carter Roberts of the Church of the Nazarene of Frankfort.

The roll was called. All members were present except Representative Hislope, who was granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 29, dispensed with and the same approved on motion of Representative Isler.

Senate Message

Announcing passage of **HB 53**, **HB 140**, **HB 180**, with Senate amendment, **SB 84**, **SB 119**, **SB 121**, and **SB 173**.

Introduction of Bills and Resolutions

HR 86, by Representative Nichols:

HR 86, A RESOLUTION inviting the Reverend Mr. J. Edward Cayce to open the session of March 9, 1960, with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Reverend Mr. J. Edward Cayce, pastor of the First Christian Church of Shelbyville, Kentucky, be, and he hereby is, invited to open the March 9, 1960, session of the House of Representatives with prayer.

Section 2. That the Clerk of the House of Representatives be directed to forward a copy of this Resolution to Mr. Cayce.

Representative Nichols moved the adoption of **HR 86.** Agreed.

HR 85, by Representative Colley:

HR 85, A RESOLUTION inviting the Reverend Mr. Morris Mounts to open the session of March 8, 1960, with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Reverend Mr. Morris Mounts, pastor of the Church of Christ of Elkhorn City, Kentucky, be, and he hereby is, invited to open the March 8, 1960, session of the House of Representatives with prayer.

Section 2. That the clerk of the House of Representatives be directed to forward a copy of this resolution to the Reverend Mr. Morris Mounts.

Representative Colley moved the adoption of **HR 85.** Agreed.

Representative Moorman moved to recommit **SB 118.**

On the roll call, the vote was yeas 44—Alexander, Barton, Bates, Brizendine, C. C. Carter, Clark, Cook, Paul Cornett, Cowherd, Dean, Denham, Dowell, Edmunds, Ellis, Faulkner, Ford, Garner, Griffin, Haley, Hall, Hampton, Hays, Henry, Hill, Hinkle, Houtchens, Irick, Lovins, Moloney, Moorman, L. F. Morgan, Osborn, Parrish, Peniston, Roberts, A. C. Smith, Virgil Smith, Spurrier, Treas, Wathen, G. T. White, J. E. White, Wood, Young. Nays 40—Buckman, Earl Carter, Castle, Childress, Chumbler, Colley, Cottengim, Crecelius, Dexter, Dobyns, Farmer, Fern, Fitzpatrick, Hahn, Hardin, Harris, Isler, Lankford, Lyon, Ben Martin, Miller, Fred Morgan, Murphy, Nichols, Nolan, Ostertag, Osting, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, J. D. Smith, Stacy, Stidham, Summe. The motion to recommit **SB 118** was rejected.

Representative Ellis moved that **HB 110** be taken from Committee on Roads and Highways and given its first reading.

On the roll call, the vote was yeas 19—C. C. Carter, Earl Carter, Clark, Paul Cornett, Dean, Dobyns, Edmunds, Ellis, Faulkner, Ford, Hall, Hays, Hill, Lyon, L. F. Morgan, Parrish, Spurrier, Stacy, G. T. White. Nays 35—Alexander, Bates, Brizendine, Buckman, Childress, Cook, Crecelius, Denham, Dexter, Fern, Garner, Griffin, Hahn, Haley, Hinkle, Lankford, Lovins, Ben Martin, Miller, Moloney, Fred Morgan, Nichols, Nolan, Ostertag, Peniston, Quinn, Rausch, Ray, Roberts, Robinson, Albert C. Smith, Stidham, Summe, Wood and Young. The motion to take **HB 110** from committee was rejected.

Representative Burress, seconded by Representative Garner, moved that **HB 129** be taken from Committee on Oil and Petroleum Products, and replaced in Orders of the Day.

On the roll call, the vote was yeas 38—Alexander, Burress, C. C. Carter, Castle, Cook, Paul Cornett, Cowherd, Dean, Dexter, Dobyns, Ellis, Faulkner, Ford, Garner, Griffin, Haley, Hall, Hardwick, Henry, Hill, Hislope, Houtchens, Ben Martin, C. H. Martin, L. F. Morgan, Neel, Nolan, Ostertag, Qualls, Render, Robinson, J. D. Smith, Spurrier, Stacy, Summe, Tanner, G. T. White, J. E. White. Nays 17—Bates, Childress, Crecelius, Edmunds, Fern, Fields, Hardin, Hinkle, Lankford, Lyon, Moloney, Peniston, Quinn, Rausch, Ray, Albert C. Smith and Steiger. The motion to take **HB 129** from committee was rejected.

Representative Fred Morgan moved to adjourn until 12:00 Noon, March 2.

On the roll call, the vote was yeas 38—Alexander, Bates, Baumgardner, Brizendine, Childress, Davis, Dean, Denham, Faulkner, Fern, Fields, Griffin, Haley, Hampton, Harris, Henry, Hinkle, Houtchens, Hopkins, Lankford, Lyon, Miles, Miller, Moloney, Fred Morgan, Nichols, Nolan, Parrish, Peniston, Quinn, Rausch, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Treas, Wathen, Young. Nays 47—Barton, Buckman, Burress, Castle, Caudill, Clark, Cornett, Cottengim, Cowherd, Crecelius, Dexter, Dobyns, Edmunds, Ellis, Farmer, Fitzpatrick, Ford, Garner, Hahn, Hall, Hardin, Hays, Hill, Hislope, Irick, Isler, Lovins, Ben Martin, C. H. Martin, Moorman, Luther F. Morgan, Neel, Osborn, Ostertag, Osting, Qualls, Rayburn, Render, Roberts, Robinson, Slusher, Spurrier, Stacy, Summe, Tanner, Glen T. White, John E. White. The motion to adjourn was rejected.

Representative Brizendine moved to adjourn until 12:00 Noon, March 2.

On the roll call, the vote was yeas 51—Alexander, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Dowell, Faulkner, Fern, Fields, Griffin, Haley, Hampton, Harris, Hays, Henry, Hinkle, Houtchens, Hopkins, Lyon, Miles, Miller, Moloney, Fred Morgan, Neel, Nichols, Nolan, Osting, Parrish, Peniston, Ray, Roberts, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Steiger, Treas, Tucker, Wathen, G. T. White, Wood, Young. Nays 36—Barton, Buckman, Burress, Caudill, Chumbler, Clark, Cottengim, Dexter, Edmunds, Ellis, Farmer, Fitzpatrick, Ford, Garner, Hahn, Hall, Hardin, Hardwick, Hill, Hislope, Isler, Lankford, Ben Martin, C. H. Martin, Moorman, Luther F. Morgan, Osborn, Ostertag, Qualls, Render, Robinson, Slusher, Stacy, Summe, Tanner and John E. White. The motion to adjourn was agreed.

The Speaker announced the Rules Committee as appointed by Committee on Committees:

Representatives Barton, Baumgardner, Buckman, Earl Carter, Caudill, Cook, Cottengim, Crecelius, Dowell, Farmer, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hinkle, Hislope, Hopkins, Isler, Lowman, Lyon, Moloney, Moorman, Fred Morgan, Parrish, Peniston, Qualls, Ray, Rayburn, Reynolds, Tanner, Wathen, Young.

Introduction of Bills and Resolutions

HB 422, by Representative Ray: AN ACT relating to County Treasurer.

HB 423, by Representative J. D. Smith: AN ACT relating to deputy constables.

HB 424, by Representative J. D. Smith: AN ACT relating to fees allowed constables.

HB 425, by Representatives John E. White, Hays and Hislope: AN ACT relating to busses.

HB 426, by Representative Virgil Smith: AN ACT relating to loan and investment companies.

HB 427, by Representatives Hinkle and Robinson: AN ACT relating to revenue and taxation.

HB 428, by Representatives Nichols and Lyon: AN ACT relating to pay of jurors.

HB 429, by Representative Ray: AN ACT relating to aeronautics.

HB 430, by Representatives Parrish and Hinkle: AN ACT relating to commissioners and receivers.

HB 431, by Representative Ray: AN ACT relating to airports.

HB 432, by Representative Robinson: AN ACT to provide special motor vehicle license plates to holders of amateur radio station licenses.

HB 433, by Representatives Quinn and Rausch: AN ACT relating to constables in counties of over 250,000 population.

HB 434, by Representative Ray: AN ACT relating to insurance.

HB 435, by Representative Ostertag: AN ACT relating to the disposition of revenue raised from distilled spirits and the traffic in alcoholic beverages.

HB 436, by Representative Robinson: AN ACT relating to the establishment of a four year college in Floyd County.

HB 437, by Representatives Colley, Fields, Qualls, Lankford, Cole, Clark, Robinson, Ben Martin and Hopkins: AN ACT relating to education.

HB 438, by Representatives Ray and Tanner: AN ACT relating to absent voting.

HR 83, by Representative John E. White: A HOUSE RESOLUTION requesting the Division of Parks to investigate the Lee Hacker memorial at Hector, Kentucky, as a site for a state park.

HR 84, by Representatives Burress, Spurrier, Cornett, Hays, Hislope, Clark, Castle, Hall, Faulkner, John E. White, Griffin, Hardwick, C. C. Carter, Qualls, Rayburn, Glen T. White, Cook, Garner and Render: A HOUSE RESOLUTION directing the Legislative Research Commission to determine the number of state employes affiliated with the Republican Party.

Representative Ray moved to adjourn until 12 noon, March 2. Agreed.

FORTY-SIXTH LEGISLATIVE DAY

WEDNESDAY, MARCH 2, 1960

The House was called to order.

Invocation by Reverend Edward L. Tullis of the First Methodist Church.

The roll was called. All present except Baumgardner, Caudill, Davis, Farmer, Harris, Miller, Murphy, Parrish, Quinn, Steiger and Tanner, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for March 1, dispensed with and the same aproved on motion of Representative Isler.

Orders of the Day

SB 82 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that the vote by which **SB 82** was passed be reconsidered. Agreed.

HB 180 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved to concur in the following Senate Amendment to **HB 180:**

"Amend printed copy of House Bill 180 on page 3, Section 1, Line 45 by inserting the following after said line 45:

18. GENERAL ASSEMBLY

A. LEGISLATIVE—Legislative Sesisons—$200,000" and
"Amend printed copy of House Bill 180 on page 1, title

By amending said title to read as follows: AN ACT relating to additional appropriations for the General Assembly and various agencies of State Government for the fiscal year 1959-60." Agreed.

On the roll call, the vote was yeas 74—Alenander, Barton, Bates, Brizendine, Buckman, Burress, Earl Carter, Castle, Chumbler, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Dexter, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Osting, Peniston, Qualls Ray, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 180** was passed and the title agreed to.

Representative Ray moved that **HB 33, HB 130, HB 76, HB 133, HB 147** and **SB 96** be taken from Clerk's desk and placed in Orders of the Day. Agreed.

Introduction of Resolutions

Representative Ray moved the adoption of **SR 28.** Agreed.

SR 28, A RESOLUTION requesting the Division of Parks to investigate the potential of The Narrows on the south fork of the Kentucky River in Clay County, at Teges, Kentucky, as a site for a State Park.

WHEREAS, The Narrows is approximately 50 miles from the Levi Jackson State Park, at London, Kentucky, and approximately 40 miles from the Buckhorn Reservoir, in Perry County, and 60 miles from Natural Bridge State Park; and

WHEREAS, a State Park in this location will serve parts of several counties locally, and is on Highway 11, which runs north and south across the State, and will be a major attraction for tourists if properly developed; and

WHEREAS, there is a rapids in the river of some 80 foot pitch with ideal waters for swimming, boating and fishing; and

WHEREAS, the old Narrows' water mill can be replaced at a reasonable expense to attract many tourists; and

WHEREAS, there are some three or four hundred acres of level and rolling land nearby that can be obtained for picnicking and other tourists facilities such as play grounds and trailer parking; and

WHEREAS, there is a cave, an ever-running spring, and a historical wagon road leading in from the north; and

WHEREAS, all of this area is over-hung with ivy, wild flowers and other beautiful attractions that would be admired by visitors; and

WHEREAS, hundreds of people who have gone to other states return to this place every year to see it as it is at the present time;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky the House of Representatives concurring therein:

Section 1. That the Division of Parks of the Department of Conservation be, and it hereby is, requested to investigate the potential of the Narrows on the south fork of the Kentucky River as a site for a State Park.

Section 2. That if the division finds the location suitable for a State Park, the division is directed to take the necessary steps to create a State Park at the Narrows.

Section 3. That the Clerk of the Senate is instructed to forward a copy of this resolution to the Commissioner of Conservation.

HR 83, by Representative White:

HR 83, A RESOLUTION requesting the Division of Parks to investigate the Lee Hacker Memorial at Hector, Kentucky, as a site for a state park.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Division of Parks of the Department of Conservation be, and it hereby is, requested to investigate the potenial of the Lee Hacker Memorial at Hector, Kentucky as a site for a state park.

Section 2. That the Division of Parks be, and it hereby is, requested to take appropriate measures to create a park at that site if the findings of the investigation are favorable.

Section 3. That the Clerk of the House of Representatives is directed to forward a copy of this Resolution to the Director of the Division of Parks of the Department of Conservation.

Representative White moved the adoption of **HR 83.** Agreed.

Report of Committees

Committee on Rules reported **HB 29** and **HB 285** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 29, AN ACT relating to primary elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in June of each year between the hours of 6:00 a.m. and 5:00 p.m., at the regular polling place in each election precinct.

HB 285, AN ACT relating to the education of children whose father is a permanently and totally disabled war veteran.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any child whose father is a permanently and totally disabled war veteran shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

Section 2. To be entitled to benefits under this Act the father of the child claiming benefits must be rated permanently and totally disabled for pension purposes or one hundred percent disabled for compensation purposes by the United States Veterans Administration of the Department of Defense.

Section 3. In the absence of certification of permanent and total disability by the United States Veterans Administration or the Department of Defense, medical evidence showing permanent and total disability may be accepted, if this evidence is signed by a physician licensed to practice in the Commonwealth of Kentucky or an official of an accredited medical hospital in the Commonwealth of Kentucky.

Section 4. The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence.

Section 5. To entitle a child or children to benefits under this Act the disabled war veteran must have served during time of war or the Korean Conflict in the Armed Forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident of the Commonwealth of Kentucky, and his residency must have been for a period of not less than five years immediately preceding the effective date of this Act.

Section 6. Any person or persons making fraudulent statements to obtain benefits under this Act shall be imprisoned in the penitentiary for one year or fined one thousand dollars, or both.

Committee on Rules reported **HB 309** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 309, AN ACT relating to highway construction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 176.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Department of Highways may cause any road construction or reconstruction work to be done by employes of the department instead of through contractors when, in the opinion of the commissioner as expressed in an official order:

(1) No satisfactory bid is received for the construction or reconstruction of the road after all necessary steps have been taken to obtain bids for such work, and the estimated cost of the project is less than $12,000.

(2) Emergency construction or reconstruction is necessary, and the estimated cost of the project is less than $12,000.

(3) Construction or reconstruction of access roads would serve as an inducement to industrial location or substantial expansion, and the estimated cost of the project is less than $12,000.

(4) The work project is within the boundaries of property owned by other governmental agencies, and the estimated cost of the project is less than $12,000.

Committee on Rules reported **HB 344, HB 408, HB 102, HB 348, HB 392, HB 373, HB 83, HB 331, SB 159, HB 383, HB 416** and **HB 398**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 344, AN ACT relating to jailer's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding ------------$6.00

Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day $2.00.

Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons------------ .50

Keeping and dieting prisoners in jail, in counties not containing a city of the first class, when confined for an offense other than a felony or contempt of court, per day------------$2.00

Keeping and dieting prisoners in jail, in counties containing a city of the first class, when confined for an offense other than a felony or contempt of court, per day------------$2.50

Imprisoning and releasing a prisoner charged with a misdemeanor ------------ .75

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt-------------- .75

Keeping and dieting a prisoner charged with a felony or contempt, in counties not containing a city of the first class, per day-------$2.00

Keeping and dieting a prisoner charged with a felony or contempt, in counties containing a city of the first class, per day----$2.50

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons-- .50

Each day's attendance upon the circuit court-------------$6.00

Furnishing fuel, light and water to the circuit court, not exceeding per day ------------$2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

HB 408, AN ACT relating to punishment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That at the next general election, and in conformance with the procedure therefore, there shall be submitted to the qualified voters for the information and guidance of the members of the General Assembly at its next regular session thereafter, the proposition of retaining capital punishment in this Commonwealth.

Section 2. The Secretary of State shall, on the first day of the next regular session of the General Assembly thereafter, deliver to each of the presiding officers of the General Assembly, his certificate showing the total vote cast on this question in each county of the Commonwealth, and the total vote cast on the question in the Commonwealth. The presiding officer shall cause such certificate to be filed and entered in the journals of their respective houses.

HB 102, AN ACT relating to deputy circuit court clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The fiscal court of each county may provide a deputy circuit court clerk to assist the circuit court clerk in the performance of his duties. The deputy circuit court clerk shall exercise all the powers of a circuit court clerk, under the clerk's supervision and control, and shall act as assistant county law librarian.

Section 2. Any fiscal court which appoints a deputy circuit court clerk under Section 1 of this Act shall set his compensation, to be paid from the general fund of the county.

HB 348, AN ACT relating to Motor Fuel Tax on Liquefied Petroleum Gas When Used as a Motor Fuel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

As used in this Act, unless the context otherwise requires:

Section 1. Section 138.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means the "Department of Revenue";

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "Person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof;

(3) "Taxable special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210, and Liquefied Petroleum Gas as defined in KRS 234.100;

(4) "Motor Vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle;

(5) "Public highways" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction;

(6) "Special fuels dealer" means any person who imports or causes to be imported into this state for resale or use, or any person making sales in this state, of special fuels for resale or use in this state by a licensed special fuels user-seller;

(7) "Special fuels user-seller" means any person, not licensed as a special fuels dealer, who dispenses special fuels into the fuel tanks of, or attached to, motor vehicles for the propulsion of such motor vehicles on the public highways, and shall include any such person who so dispenses special fuels for consumption in such motor vehicles owned, leased, or operated by him.

Section 2. A new section of the Kentucky Revised Statutes is enacted to read as follows:

As used in this act, unless the context requires otherwise:

(1) "Department" means the Department of Revenue;

(2) "Person" includes every natural person, fiduciary, association, state, or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof;

(3) "Liquefied Petroleum Gas Motor Fuel" means and includes all combustible gases and liquids as described in KRS 234.100 used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways.

(4) "Motor Vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle;

(5) "Public highways" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction;

(6) "Liquefied Petroleum Gas Motor Fuel Dealer" means any person who imports or causes to be imported into this state for resale or use, or any person making sales in this state, of liquefied petroleum gas motor fuel for resale or use in this state by a licensed liquefied petroleum gas motor fuel user-seller;

(7) "Liquefied Petroleum Gas Motor Fuel User-Seller" means any person, not licensed as a liquefied petroleum gas motor fuel dealer, who dispenses liquefied petroleum gas motor fuel into the fuel tanks of, or attached to, motor vehicles for the propulsion of such motor vehicles on the public highways, and shall include any such person who so dispenses liquefied petroleum gas motor fuel for consumption in such motor vehicles owned, leased, or operated by him.

Section 3. A new section of the Kentucky Statutes is enacted to read as follows:

(1) An excise tax of seven cents per gallon is hereby levied and shall be paid by the liquefied petroleum gas motor fuel dealer to the department on all taxable liquefied petroleum gas motor fuel delivered to the licensed liquefied petroleum gas motor fuel user-seller or withdrawn by the liquefied petroleum gas motor fuel dealer to propel motor vehicles on the public highways, either within or without this state. An allowance of one percent of the tax shall be made to the liquefied petroleum gas motor fuel dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) Two-sevenths of all amounts received by reason of the tax paid under subsection (1) shall be set aside by the Department of Highways for the construction, reconstruction, and maintenance of rural and secondary roads and for no other purpose.

(3) No other excise or license tax shall be levied or assessed on liquefied petroleum gas motor fuel by any political subdivision of the state; except the licenses under KRS 234.120.

(4) No provision of this Act shall in any way affect the surtax imposed on heavy equipment motor carriers under KRS 138.660.

Section 4. A new section of the Kentucky Statutes is enacted to read as follows:

(1) A license shall be required of each liquefied petroleum gas motor fuel dealer and each liquefied petroleum gas motor fuel user-seller.

(2) Application for a license shall be made to the department upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, a liquefied petroleum gas motor fuel dealer shall file with the department a bond as required under Section (5) of this Act. No license shall be issued to any person unless such person has furnished a bond as provided in Section 5 of this Act to secure payment of taxes, penalties and interest imposed by this Act. No bond shall be filed with an application for a liquefied petroleum gas motor fuel user-seller license.

(4) The application in proper form having been accepted for filing, the bond, if required, having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

Section 5. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Every Liquefied Petroleum Gas Motor Fuel dealer shall file with the department a corporate bond, cash bond or securities approved by the department in a minimum amount of $500.00 and in a maximum amount of four months' liability for taxes imposed under this Act but not to exceed $50,000.00. If however, a liquefied petro-

leum gas motor fuel dealer is bonded as provided in KRS 138.330 the department may waive the bonding requirement in this section provided a rider is attached to such bond to guarantee payment of all liquefied petroleum gas motor fuel taxes together with all penalties and interest thereon and secure faithful compliance with the provisions of this Act. The applicant for a license shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the licensee to the department of all taxes levied under this Act, together with all penalties and interest thereon and generally upon faithful compliance with the provisions of this Act.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise or if in the opinion of the department any surety has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory surety in the same form and amount, failing which the department shall forthwith cancel the license. If a new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given ten days' notice in writing, the department decided that the amount of the existing bond is insufficient to insure payment to this state of the amount of tax, penalties, and interest for which the licensee is or may become liable, the licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license.

(4) Any surety on a bond furnished by a licensee shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly on the receipt of the request, notify the licensee who furnished the bond, and unless the licensee shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license. If the new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 6. A new section of the Kentucky Statutes is enacted to read as follows:

(1) If a licensee at any time files a false monthly report of the

information required, or fails or refuses to file the monthly report or to pay the full amount of the tax or violates any other provision of this Act, without a showing that such failure was due to reasonable cause, the department may cancel the license and suspend the privilege of acting as a liquefied petroleum gas motor fuel dealer.

(2) Upon voluntary surrender of the license or upon receipt of a written request by a licensee, the department may cancel his license, effective sixty days from the date of request, but no such license shall be cancelled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the department his license.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a liquefied petroleum gas motor fuel dealer or a liquefied petroleum gas motor fuel user-seller, and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days' notice of cancellation, mailed to his last known address in which event the license shall be surrendered to the department.

(4) Whenever a licensee ceases to engage in business within this state, he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under this Act, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the department his license.

(5) If the license is cancelled by the department as provided in this section, and if the licensee has paid to this state all taxes, interest and penalties under this Act, the department shall cancel the bond filed by the licensee.

Section 7. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Every liquefied petroleum gas motor fuel dealer licensee shall maintain complete records of inventories, purchases, sales, use and other dispositions of liquefied petroleum gas. Such records, together with manifests of lading, invoices, correspondence, and other papers pertaining to liquefied petroleum gas motor fuel shall be retained for a minimum of two years, and if requested by the department, shall be made available for examination by the department.

(2) Where storage of liquefied petroleum gas is for multiple uses, and where the number of gallons taxable of liquefied petroleum gas motor fuel are determined by the liquefied petroleum gas motor fuel dealer and/or the liquefied petroleum gas motor fuel user-seller, based on the best estimate possible from mileage and efficiency records

available, all mileage and efficiency records of such motor vehicle must be retained for a minimum period of two years, and, if requested by the department, shall be made available for examination by the department.

Section 8. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Every liquefied petroleum gas motor fuel dealer licensee shall file with the department, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show such information as the department may require. The licensee shall file the return on or before the last day of the next succeeding calendar month following the month to which it relates.

(2) The monthly tax return shall be accompanied by remittance covering the tax due.

Section 9. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Liquefied Petroleum Gas Motor Fuel dealers using, selling, and/or delivering liquefied petroleum gas to motor vehicles, or into storage for use in motor vehicles, shall report and pay the state tax of seven cents per gallon on all such fuel to the Department of Revenue. The dealer shall issue an invoice to the customer whenever the sale or delivery is consummated giving the invoice date, name and address of the customer, and number of taxable gallons sold or delivered. The number of taxable gallons to be invoiced shall be determined in the following manner by the dealer:

(a) The metered gallons, if placed into a fuel tank of a motor vehicle.

(b) The metered gallons, if placed into storage, all of which is to be used or sold for use in motor vehicles.

(c) The number of gallons to be used in motor vehicles, if the storage is for multiple uses. The number of taxable gallons to be determined by the user and the dealer based on the best estimate possible from mileage and efficiency records available.

(d) If the motor vehicle carburetor is connected to a fuel line leading from a fuel tank where another, or other motors are supplied with fuel also, then the number of gallons to be invoiced as taxable motor fuel shall be determined from mileage and fuel efficiency records.

Section 10. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Any holder of a liquefied petroleum gas motor fuel user-seller license, using liquefied petroleum gas as a motor fuel to propel motor vehicles upon the highways may fuel his own vehicles from

storage where non-taxable liquefied petroleum gas is stored provided:

(a) The State tax has been paid to the distributor or supplier of liquefied petroleum gas, who is licensed as a liquefied petroleum gas motor fuel dealer, on that portion intended for use on the highway; and further provided that

(b) The liquefied petroleum gas storage facilities meet the requirements of KRS 234.100 to KRS 234.990 and regulations promulgated thereunder.

Section 11. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The department may audit the books and records of each licensee and make such other investigations as it deems necessary to determine whether or not the tax and other requirements imposed by this act have been met.

Section 12. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The reports required by Section 8 of this Act shall be accompanied by a certified or cashier's check payable to the State Treasurer, for the amount of tax due for the preceeding calendar month computed as provided in Section 9 of this Act, except that the department may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of this Act.

Section 13. A new section of the Kentucky Statutes is enacted to read as follows:

(1) If any liquefied petroleum gas motor fuel dealer neglects or refuses to make the return required by Section 8 of this Act or to pay the tax at the time provided, a penalty of twenty percent thereof and interest at six percent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty of twenty percent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with Section 8 of this Act, and if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five percent of the amount of the tax due and delinquent, provided the five percent penalty may be reduced to a one percent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) Any liquefied petroleum gas motor fuel dealer who fails to make any return required under Section 8 of this Act within the time required shall pay a penalty of ten dollars to be assessed and collected

in the manner provided for the assessment and collection of taxes under this Act or in a civil action initiated by the department. In addition such delinquent taxpayer may be compelled to make the required report or return.

Section 14. A new section of the Kentucky Statutes is enacted to read as follows:

(1) With respect to this Act, it is unlawful for any person to:

(a) Fail to pay the taxes due;

(b) Fail, neglect or refuse to make and file any statement required in the manner or within the time required;

(c) Make any false statement or conceal any material fact in any record, report or affidavit;

(d) Conduct any activities requiring a license without a license or after a license has been surrendered, cancelled or revoked;

(e) Assign or attempt to assign a license to act as a liquefied petroleum gas motor fuel dealer;

(f) Violate any other provisions.

Section 15. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The department shall administer the taxes provided in this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(2) The department shall, upon the request of the officials to whom are entrusted the enforcement of the liquefied petroleum gas motor fuel tax law of any other state, the United States, the provinces of the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment, or delivery by any person of liquefied petroleum gas motor fuel, provided such other state or states provides for the furnishing of like information to this state.

Section 16. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Any person violating any provision of Section 13 of this Act shall be fined not more than one thousand dollars or imprisoned in the county jail for more than six months, or both. Upon conviction of a second offense, he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

Section 17. A new section of the Kentucky Statutes is enacted to read as follows:

The effective date of this Act shall be July 1, 1960.

HB 383, AN ACT establishing a commission for the study and evaluation of the system of public education in Kentucky.

WHEREAS, a major portion of the appropriations from the General fund are made in support of the public education program; and

WHEREAS, Kentucky's growth in population will continue in the decade to come, resulting in the need for further expansion of educational facilities and programs; and

WHEREAS, no comprehensive study has been made with regard to the School Foundation Program or other public education programs; and

WHEREAS, Kentucky's desire for a continuous strengthening and improving of public education necessitates the continuing evaluation of the programs by educators and lay people alike.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) In order to provide for the continuous study and evaluation of the Commonwealth's system of public education, there is hereby created a commission to be known as the Commission on Public Education. The commission's staff consititutes an agency independent of state administrative departments.

(2) The commission shall consist of nine members known for their interest in and knowledge of the state's education system, said members to be appointed by the Governor. Not more than four of these members shall be educators. Three members shall be appointed for a term of two years; three for a term of three years; and three for a term of four years. These appointments shall be effective July 1, 1960. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill existing vacancies.

(3) The commission shall study the problems and evaluate programs of public education within the Commonwealth. Such studies and evaluations shall include but not be limited to present policies concerning public school transportation, free textbooks programs, school personnel, public school physical plants. The commission shall submit an annual report to the Governor and such special reports on its findings as the Governor may require.

(4) The chairman and vice-chairman of the commission shall be elected at the first meeting and each year thereafter. The commission may appoint an executive committee empowered to act for the commission in all matters. Meetings will be held at least four (4) times a year, but special meetings may be called at the discretion of the chairman. Commission members will be paid twenty-five

dollars ($25.00) per diem plus expenses for each regular or special meeting which they attend.

Section 2. The commission shall appoint an executive director who shall serve at the pleasure of the commission. His salary shall be fixed by the commission within the limits of the funds made available to the commission. The executive director may employ, with the approval of the commission, such staff as may be necessary to conduct studies and evaluations of programs of public education as provided in this Act.

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated to the commission $75,000 each year of the 1960-62 biennium.

HB 392, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby created as a committee of the Legislative Research Commission a Joint Legislative Advisory Committee to consist of twenty-four members, sixteen from the House of Representatives and eight from the Senate.

(2) The Legislative Research Commission shall within fourteen days after a general election in which members of the General Assembly are elected call into convention as a citizens committee those persons elected to serve in the next General Assembly.

(3) The director of the Legislative Research Commission, or his designate, shall direct the members of the committee to form sixteen subcommittees, two for each congressional district. Members-elect to the House of Representatives residing within the boundaries of each of the congressional districts shall constitute a subcommittee. Senators-elect residing within the boundaries of each of the congressional districts shall constitute a subcommittee. Each subcommittee consisting of House members shall elect two of its own number and each subcommittee consisting of Senators shall elect one of its own number to serve on the Joint Legislative Advisory Committee. Members of the Legislative Research Commission are ineligible to serve on the Joint Legislative Advisory Committee. Members of the General Assembly serving on congressional district subcommittees or on the Joint Legislative Advisory Committee shall be compensated as provided in subsection (5) of Section 7.110 of the Kentucky Revised Statutes.

(4) Only one ballot shall be taken in electing the two members of the Legislative Advisory Committee from the subcommittees consisting of House members. The person receiving the highest number

of votes and the person receiving the next highest number of votes shall be elected. Tie votes shall be decided by lot.

(5) The member selected by a congressional district subcommittee to serve on the Joint Legislative Advisory Committee who received the highest number of votes shall serve as chairman of the subcommittee selecting him. The chairman shall from time to time advise and consult with district subcommittee members and shall counsel with them on all matters pertaining to preparation for the next General Assembly. He shall report their views on such matters to the Joint Legislative Advisory Committee, and shall keep them informed of the Joint Committee's work on such matters. The subcommittees shall meet at the call of the chairman. Each meeting shall be on one day's duration, and no more than four such meetings, in addition to the convention meeting, shall be held before the convening of the next General Assembly. Meetings may be held at any place within the congressional district.

Section 2. (1) The Director of the Legislative Research Commission shall call the first meeting of the Joint Legislative Advisory Committee. The members of the Joint Legislative Advisory Committee shall, for the purpose of conducting its affairs, establish two subcommittees, one to consist of its House members and the other of its Senators. Each subcommittee may select its own chairman, vice chairman, and secretary. The chairman of the subcommittees may alternate as chairman of the Joint Legislative Advisory Committee, and each shall preside over the opening session of the House and Senate, as the case may be, until a presiding officer is selected.

(2) The Joint Legislative Advisory Committee may by a vote of a majority of members of each of its subcommittees:

(a) Approve or disapprove recommendations of subcommittees,

(b) Instruct the Legislative Research Commission on matters pertaining to the next session,

(c) Recommend subjects for Legislative Research Commission study,

(d) Advise and counsel with administrative officers and employees of the Commonwealth.

(3) The Joint Legislative Advisory Committee through its appropriate subcommittee shall report to the respective Houses of the General Assembly when it first convenes. In addition to matters provided for in subsection (2) the reports may contain recommendations concerning suggested rules of procedure, committee organization, officers and employees and any other matter pertaining to the organization and operation of the affairs of the General Assembly.

(4) The Joint Legislative Advisory Committee shall continue from the time of its selection until:

(a) its work is finished, or

(b) it adjourns sine die, or

(c) the General Assembly to and for which it makes recommendations adjourns without instructions for its continuation.

HB 373, AN ACT relating to Cooperative Marketing Associations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 272.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation of each association shall state:

(a) The name of the association;

(b) The purpose for which it is formed;

(c) The place where its principal business will be transacted;

(d) Its duration, which may be perpetual,

(e) The number of directors, their term of office, and the names and addresses of the incorporating directors;

(f) If organized without capital stock, whether the property rights and interest of each member are equal or unequal; and if unequal, the general rules applicable to all members by which the property rights and interests of each member shall be determined; and provision for the admission of new members who may all share in the property of the association with the old members; and

(g) If organized with capital stock, the maximum amount of stock and the number of shares into which it is divided and the par value; and if the stock is divided into preferred and common stock, a statement of the number of shares of stock to which preference is granted and the number to which no preference is granted and the nature and definite extent of the preference and privileges granted to each. No specific amount of the capital stock authorized shall be required to be subscribed before the corporation shall be permitted to transact business with others than its stockholders; the board of directors of the corporation may determine the amount of capital stock to be issued as the business of the corporation may justify or demand, from time to time, within the amount of the total authorization.

(2) The articles shall be signed, acknowledged, filed and recorded in accordance with the statutes relating to private corporations generally, and, in addition, a quadruplicate of the articles, endorsed by the Secretary of State with the fact and time of recording of the articles in his office, shall be filed with the Dean of the College of Agriculture of the University of Kentucky.

Section 2. Section 272.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation may be amended at any regular

meeting or any special meeting called for that purpose. An amendment must first be approved by two-thirds of the directors and then adopted by a vote representing a majority of all the members of the association.

(2) Notwithstanding the provisions of subsection (1) of this section, an amendment whose only effect is to extend the period of such corporation's duration may be adopted by two-thirds of the directors, and shall become effective when signed and acknowledged by them, and filed and recorded pursuant to KRS 272.130.

(3) The provision of the articles required by paragraph (f) of subsection (1) of KRS 272.130 shall not be amended or repealed except by the written consent or vote of three-fourths of the members.

(4) For the recording of articles of incorporation or amendments thereto by the Secretary of State and county court clerk, and for the issuance of a certificate of incorporation or certificate of amendment by the Secretary of State, an association shall pay the same fees as are provided for such services in the statutes relating to private corporations generally.

Section 3. There is created a new Section in Chapter 272 of the Kentucky Revised Statutes to read as follows:

When an amendment to the articles of incorporation is adopted by virtue of subsection (2) of Section 2 of this Act, such an amendment shall be without prejudice to the right of any stockholder or member to withdraw from the corporation and receive the value in cash of his interest therein as appraised and determined by the Board of Directors as permitted by KRS 272.150 (2) (i).

HB 83, AN ACT relating to licensing of motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) A motor vehicle operator's license issued to a person sixteeen or more years of age and less than eighteen years of age who otherwise meets the licensing requirements shall be a junior operator's license. The Department of Public Safety may prescribe by regulation the manner of issuing a junior operator's license.

(2) A junior operator license shall not entitle a licensee to operate a motor vehicle during the hours of darkness.

(3) The extent to which a holder of a junior operator's license may operate a motor vehicle thereunder shall be printed on each such license.

(4) A junior operator's license shall automatically become a regular operator's license when the licensee reaches the age of eighteen years.

Section 2. (1) The Department of Public Safety shall forthwith revoke the license of any junior operator of a motor vehicle upon receiving record of his conviction of any infraction of the motor vehicle laws which involve a moving vehicle, or the licensee's driving during the hours of darkness.

(2) The revocation of a junior operator's license under this section shall be for the period of one year, or until the licensee reaches the age of eighteen years, whichever is greater.

HB 331, AN ACT relating to the Kentucky Employes' Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 61.510 to 61.700 is created to read as follows:

The effective date of participation of the circuit clerks department in the Kentucky Employes' Retirement System is declared to be July 1, 1956. Both employer and members shall make contributions, and members receive benefits, based on that date.

SB 159, AN ACT relating to the Department of Insurance, amending Kentucky Revised Statutes, Section 304.484.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.484 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Custodian of Insurance Securities shall be appointed by the Governor, in accordance with laws governing other executive appointments. He shall receive a monthly salary to be fixed by the Governor in accordance with the provisions of KRS 64.640, but to be paid out of custodial expense funds provided by insurers pursuant to KRS 304.503.

(2) The custodian shall receive in his official capacity, all deposits made with him pursuant to this code.

(3) The custodian shall be available at all reasonable times in the branch office of the Department of Insurance, maintained in a city of the first class.

HB 416, AN ACT relating to depositing materials on highway rights of way.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall throw or deposit on any public highway

any glass, nail, tack, hoop, wire, can or any other substance likely to injure any person, animal or vehicle.

(2) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(3) No person shall throw, dump or dispose of any debris or waste material of any kind upon the right of way of any highway.

(4) Any person who violates subsection (1) or (2) of this section shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (3) of this section shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

HB 398, AN ACT relating to clerks of justices' courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In each justice's district in counties containing a city of the second class and a population of less than 250,000 the justice of the peace may appoint a clerk for a term not to exceed the current term of office of the justice, and any necessary deputy clerks. All clerks and deputy clerks shall receive a salary as determined under KRS 64.530 paid from the fees received by the justice's court.

Committee on Rules reported **HB 184** with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 184, AN ACT permitting fiscal courts to provide liability and indemnity insurance for benefits of patients of county operated hospitals and prescribing certain policy conditions, and amending Section 67.186 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

. KRS 67.186 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of any county in which there is a county operated hospital may provide for liability and indemnity insurance for the benefit of the hospital against the negligence of the employes of such hospital.

(2) The insurance policies so purchased by the fiscal court shall be purchased only from insurance companies authorized to transact business in this state, and any such policy shall bind the insurer to pay, subject to the terms and conditions of the policy, any final judgment, not in excess of the policy limits, rendered against the insured hospital or hospital employes for the death or injury of any patient, or damage

to the property of any patient, resulting from the negligence of the hospital, its agents or employes.

(3) This Act shall not be construed as waiving the immunity of the county or county operated hospital from suit only to the extent of the policy limits, and no judgment may be enforced or collected against the county, fiscal court, the members thereof, or such hospital, but shall only measure the liability of the insurance carrier. No attempt shall be made in the trial of any suit to suggest the existence of any insurance which covers in whole or in part any judgment or award which has been rendered in favor of the claimant, but if the verdict rendered by the jury exceeds the limits of applicable insurance, the court shall reduce the amount of said judgment to a sum equal to the applicable limit stated in the policy.

Calendar

SB 155 was taken from the Calendar and ordered read at length for the second time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 226 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

HB 210 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 77—Barton, Bates, Brizendine, Buckman, C. C. Carter, Castle, Childress, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 2—Burress, Griffin. **HB 210** was passed and the title agreed to.

HB 193 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

SB 46 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Denham moved to amend **SB 46** as follows: "Amend printed copy of Senate Bill 46 on page 3, after section 4, line 4 by adding the following: "Section 5. The provisions of this Act shall not apply to the cremation of stillbirths (fetal deaths) in the absence of any indication of a criminal act." Agreed.

On the roll call, the vote was yeas 76—Barton, Bates Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hampton, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Ray,Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 46** was passed and the title agreed to.

HB 250, HB 232, HB 238 and **SB 99** taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

HB 301 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 56—Barton, Bates, Buckman, Burress, Earl Carter, Childress, Clark, Cole, Colley, Cottengim, Dexter, Dobyns, Dowell, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Hall, Hardin, Houtchens, Irick, Isler, Lankford, Lyon, Ben Martin, Miles, Moorman, L. F. Morgan, Murphy, Neel, Nolan, Osborn, Ostertag, Osting, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, Young. Nays 6—Cook, Cowherd, Haley, Moloney, Peniston, Tanner. **HB 301** was passed and the title agreed to.

HB 232 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 77—Barton, Bates, Brizendine, Buckman, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Ray, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 232** was passed and the title agreed to.

HB 319 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 81—Alexander, Barton, Bates, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Osting, Peniston, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 0. **HB 319** was passed and the title agreed to.

HB 37 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 61—Alexander, Bates, Brizendine, Buckman, C. C. Carter, Childress, Clark, Cole, Colley, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Dexter, Dobyns, Dowell, Ellis, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Haley, Hall, Hardin, Henry, Hill, Houtchens, Irick, Isler, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Murphy, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Render, Reynolds, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Nichols. **HB 37** was passed and the title agreed to.

bler, Clark, Colley, Cook, Paul Cornett, Cowherd, Dexter, Farmer, Fields, Ford, Garner, Griffin, Haley, Hall, Hampton, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Lovins, Lyon, Ben Martin, C. H. Martin, Miller, Moloney, Moorman, L. F. Morgan, Nichols, Nolan, Osborn, Ostertag, Osting, Qualls, Quinn, Rausch, Render, Reynolds, Robinson, A. C. Smith, Virgil Smith, Steiger, Summe, Treas, Tucker, G. T. White, J. E. White, Young. Nays 14—Cottengim, Crecelius, Dean, Edmunds, Hill, Ellis, Lankford, Neel, Peniston, Roberts, Spurrier, Stacy, Tanner, Wood. The motion that **SB 96** be laid on the Clerk's desk was agreed.

SB 46 and **HB 250** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their position in Orders of the Day. Agreed.

HB 273 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Hopkins moved to amend **HB 273** as follows: "Amend printed copy of HB 273 on page 3, section 3(a), lines 6 and 7 by deleting both lines and substituting the following: "administration, the Attorney General or his designated assistant, the Director of the Division of Finance, the". Agreed.

On the roll call, the vote was yeas 89—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 273** was passed and the title agreed to.

HB 274 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved to amend **HB 274** as follows: "Amend printed copy of **HB** 274 on page 2, section 1, line 31 and 32 by deleting "the cost of insurance on said voting machines." Agreed. Amend printed copy of **HB 274** on page 4, section 4(d), line 37 by deleting the words "and insure". Agreed.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Caudill, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Crecelius, Davis, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hampton, Harris, Hays, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Miller, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Robrets, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgiil Smith, Steiger, Stidham, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 274** was passed and the title agreed to.

HB 275 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 75—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, Burress, Caudill, Clark, Cole, Colley, Cowherd, Crecelius, Davis, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Harris, Hays, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Parrish, Peniston, Quinn, Rausch, Ray, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 5—Cornett, Hall, Hardwick, Hislope, Spurrier. **HB 275** was passed and the title agreed to.

Committee on Enrollment reported **SB 32, SB 10, SB 44, HB 71, HB 104, HB 152** and **HB 175** had been examined and found correctly enrolled. **SB 32, SB 10, SB 44, HB 71, HB 104, HB 152** and **HB 175** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

SB 32, SB 10, SB 44, HB 71, HB 104, HB 152 and **HB 175** delivered, signed by President of the Senate. Ordered delivered to the Governor.

HB 276 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 69—Alexander, Barton, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardwick, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Ostertag, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 276** was passed and the title agreed to.

HB 277 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 87—Alexander, Bates, Baumgardner, Brizendine, Buckman, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Steiger, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 277** was passed and the title agreed to.

SB 82 taken from Orders of the Day and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas—84—Alexander, Bates, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Farmer, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Hopkins, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Parrish, Peniston, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0.—**SB 82** was passed and the title agreed to.

HB 210 and **HB 193** taken from Orders of the Day. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

Introduction of Bills and Resolutions

HB 403, by Representatives Davis and Cottengim: AN ACT relating to employes of fire departments in cities of the first class.

HB 404, by Representatives Ellis and Irick: AN ACT relating to income taxes.

HB 405, by Representatives Rausch and Quinn: AN ACT relating to deputy constables.

HB 406, by Representative Harris: AN ACT relating to truck traffic.

HB 407, by Representative Cottengim: AN ACT relating to the abandonment of dedicated streets.

HB 408, by Representative Cottengim: AN ACT relating to punishment.

HB 409, by Representative Denham: AN ACT relating to school districts.

HB 410, by Representatives Ellis and Dowell: AN ACT relating to police court hours.

HB 411, by Representative Nolan: AN ACT relating to board of education.

HB 412, by Representative Bates: AN ACT relating to testimony and services of optometrists.

HB 413, by Representatives Fred Morgan and Miles: AN ACT relating to municipal colleges in cities of the second class.

HB 414, by Representative Nolan: AN ACT relating to insurance on State Police motor vehicles.

HB 415, by Representatives Treas, Miles, Albert C. Smith, Lovins, Houtchens, Davis, Glen T. White, Harris, Virgil Smith, Barton, Faulkner, Chumbler, Cowherd, Ellis and Earl Carter: AN ACT relating to the municipal acquisition, ownership and operation of utility facilities and systems.

HB 416, by Representatives Hislope, Castle, Griffin and John E. White: AN ACT relating to depositing materials on highway rights of way.

HB 417, by Representatives Hislope, Griffin and John E. White: AN ACT relating to Congressional Districts.

HB 418, by Representatives Hislope, Buckman, Cornett, and Castle: AN ACT relating to newspapers.

HB 419, by Representatives Irick, Fitzpatrick, Cole and Ellis: AN ACT relating to medical insurance for members and employes of the General Assembly.

HB 420, by Representatives Irick, Cole, Ellis and Colley: AN ACT relating to registration and purgation.

HB 421, by Representatives Irick, Fitzpatrick, Cole and Ellis: AN ACT relating to payment of teachers' salaries.

HR 80, by Representative Fitzpatrick, Luther F. Morgan, Colley, Cole, Summe, Garner, Tucker, Dobyns, Glen T. White, Davis, Ellis, Irick, Ostertag, Moorman and Cook: A JOINT RESOLUTION for the benefit of officers and employes of the Senate and House of Representatives; and declaring an emergency.

Representative Ray moved to adjourn until 12:00 Noon, March 1. Agreed.

FORTY-FIFTH LEGISLATIVE DAY

TUESDAY, MARCH 1, 1960

The House was called to order by the Speaker.

Invocation by Reverend J. Carter Roberts of the Church of the Nazarene of Frankfort.

The roll was called. All members were present except Representative Hislope, who was granted leave of absence on motion of Representative Lyon.

Reading of Journal for February 29, dispensed with and the same approved on motion of Representative Isler.

Senate Message

Announcing passage of **HB 53, HB 140, HB 180,** with Senate amendment, **SB 84, SB 119, SB 121,** and **SB 173.**

Introduction of Bills and Resolutions

HR 86, by Representative Nichols:

HR 86, A RESOLUTION inviting the Reverend Mr. J. Edward Cayce to open the session of March 9, 1960, with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Reverend Mr. J. Edward Cayce, pastor of the First Christian Church of Shelbyville, Kentucky, be, and he hereby is, invited to open the March 9, 1960, session of the House of Representatives with prayer.

Section 2. That the Clerk of the House of Representatives be directed to forward a copy of this Resolution to Mr. Cayce.

Representative Nichols moved the adoption of **HR 86.** Agreed.

HR 85, by Representative Colley:

HR 85, A RESOLUTION inviting the Reverend Mr. Morris Mounts to open the session of March 8, 1960, with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Reverend Mr. Morris Mounts, pastor of the Church of Christ of Elkhorn City, Kentucky, be, and he hereby is, invited to open the March 8, 1960, session of the House of Representatives with prayer.

Section 2. That the clerk of the House of Representatives be directed to forward a copy of this resolution to the Reverend Mr. Morris Mounts.

Representative Colley moved the adoption of **HR 85.** Agreed.

Representative Moorman moved to recommit **SB 118.**

On the roll call, the vote was yeas 44—Alexander, Barton, Bates, Brizendine, C. C. Carter, Clark, Cook, Paul Cornett, Cowherd, Dean, Denham, Dowell, Edmunds, Ellis, Faulkner, Ford, Garner, Griffin, Haley, Hall, Hampton, Hays, Henry, Hill, Hinkle, Houtchens, Irick, Lovins, Moloney, Moorman, L. F. Morgan, Osborn, Parrish, Peniston, Roberts, A. C. Smith, Virgil Smith, Spurrier, Treas, Wathen, G. T. White, J. E. White, Wood, Young. Nays 40—Buckman, Earl Carter, Castle, Childress, Chumbler, Colley, Cottengim, Crecelius, Dexter, Dobyns, Farmer, Fern, Fitzpatrick, Hahn, Hardin, Harris, Isler, Lankford, Lyon, Ben Martin, Miller, Fred Morgan, Murphy, Nichols, Nolan, Ostertag, Osting, Qualls, Quinn, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, J. D. Smith, Stacy, Stidham, Summe. The motion to recommit **SB 118** was rejected.

Representative Ellis moved that **HB 110** be taken from Committee on Roads and Highways and given its first reading.

On the roll call, the vote was yeas 19—C. C. Carter, Earl Carter, Clark, Paul Cornett, Dean, Dobyns, Edmunds, Ellis, Faulkner, Ford, Hall, Hays, Hill, Lyon, L. F. Morgan, Parrish, Spurrier, Stacy, G. T. White. Nays 35—Alexander, Bates, Brizendine, Buckman, Childress, Cook, Crecelius, Denham, Dexter, Fern, Garner, Griffin, Hahn, Haley, Hinkle, Lankford, Lovins, Ben Martin, Miller, Moloney, Fred Morgan, Nichols, Nolan, Ostertag, Peniston, Quinn, Rausch, Ray, Roberts, Robinson, Albert C. Smith, Stidham, Summe, Wood and Young. The motion to take **HB 110** from committee was rejected.

Representative Burress, seconded by Representative Garner, moved that **HB 129** be taken from Committee on Oil and Petroleum Products, and replaced in Orders of the Day.

On the roll call, the vote was yeas 38—Alexander, Burress, C. C. Carter, Castle, Cook, Paul Cornett, Cowherd, Dean, Dexter, Dobyns, Ellis, Faulkner, Ford, Garner, Griffin, Haley, Hall, Hardwick, Henry, Hill, Hislope, Houtchens, Ben Martin, C. H. Martin, L. F. Morgan, Neel, Nolan, Ostertag, Qualls, Render, Robinson, J. D. Smith, Spurrier, Stacy, Summe, Tanner, G. T. White, J. E. White. Nays 17—Bates, Childress, Crecelius, Edmunds, Fern, Fields, Hardin, Hinkle, Lankford, Lyon, Moloney, Peniston, Quinn, Rausch, Ray, Albert C. Smith and Steiger. The motion to take **HB 129** from committee was rejected.

Representative Fred Morgan moved to adjourn until 12:00 Noon, March 2.

On the roll call, the vote was yeas 38—Alexander, Bates, Baumgardner, Brizendine, Childress, Davis, Dean, Denham, Faulkner, Fern, Fields, Griffin, Haley, Hampton, Harris, Henry, Hinkle, Houtchens, Hopkins, Lankford, Lyon, Miles, Miller, Moloney, Fred Morgan, Nichols, Nolan, Parrish, Peniston, Quinn, Rausch, A. C. Smith, J. D. Smith, Virgil Smith, Steiger, Treas, Wathen, Young. Nays 47—Barton, Buckman, Burress, Castle, Caudill, Clark, Cornett, Cottengim, Cowherd, Crecelius, Dexter, Dobyns, Edmunds, Ellis, Farmer, Fitzpatrick, Ford, Garner, Hahn, Hall, Hardin, Hays, Hill, Hislope, Irick, Isler, Lovins, Ben Martin, C. H. Martin, Moorman, Luther F. Morgan, Neel, Osborn, Ostertag, Osting, Qualls, Rayburn, Render, Roberts, Robinson, Slusher, Spurrier, Stacy, Summe, Tanner, Glen T. White, John E. White. The motion to adjourn was rejected.

Representative Brizendine moved to adjourn until 12:00 Noon, March 2.

On the roll call, the vote was yeas 51—Alexander, Bates, Baumgardner, Brizendine, C. C. Carter, Castle, Cook, Paul Cornett, Cowherd, Crecelius, Davis, Dean, Denham, Dobyns, Dowell, Faulkner, Fern, Fields, Griffin, Haley, Hampton, Harris, Hays, Henry, Hinkle, Houtchens, Hopkins, Lyon, Miles, Miller, Moloney, Fred Morgan, Neel, Nichols, Nolan, Osting, Parrish, Peniston, Ray, Roberts, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Steiger, Treas, Tucker, Wathen, G. T. White, Wood, Young. Nays 36—Barton, Buckman, Burress, Caudill, Chumbler, Clark, Cottengim, Dexter, Edmunds, Ellis, Farmer, Fitzpatrick, Ford, Garner, Hahn, Hall, Hardin, Hardwick, Hill, Hislope, Isler, Lankford, Ben Martin, C. H. Martin, Moorman, Luther F. Morgan, Osborn, Ostertag, Qualls, Render, Robinson, Slusher, Stacy, Summe, Tanner and John E. White. The motion to adjourn was agreed.

The Speaker announced the Rules Committee as appointed by Committee on Committees:

Representatives Barton, Baumgardner, Buckman, Earl Carter, Caudill, Cook, Cottengim, Crecelius, Dowell, Farmer, Fern, Fields, Fitzpatrick, Ford, Hahn, Haley, Hinkle, Hislope, Hopkins, Isler, Lowman, Lyon, Moloney, Moorman, Fred Morgan, Parrish, Peniston, Qualls, Ray, Rayburn, Reynolds, Tanner, Wathen, Young.

Introduction of Bills and Resolutions

HB 422, by Representative Ray: AN ACT relating to County Treasurer.

HB 423, by Representative J. D. Smith: AN ACT relating to deputy constables.

HB 424, by Representative J. D. Smith: AN ACT relating to fees allowed constables.

HB 425, by Representatives John E. White, Hays and Hislope: AN ACT relating to busses.

HB 426, by Representative Virgil Smith: AN ACT relating to loan and investment companies.

HB 427, by Representatives Hinkle and Robinson: AN ACT relating to revenue and taxation.

HB 428, by Representatives Nichols and Lyon: AN ACT relating to pay of jurors.

HB 429, by Representative Ray: AN ACT relating to aeronautics.

HB 430, by Representatives Parrish and Hinkle: AN ACT relating to commissioners and receivers.

HB 431, by Representative Ray: AN ACT relating to airports.

HB 432, by Representative Robinson: AN ACT to provide special motor vehicle license plates to holders of amateur radio station licenses.

HB 433, by Representatives Quinn and Rausch: AN ACT relating to constables in counties of over 250,000 population.

HB 434, by Representative Ray: AN ACT relating to insurance.

HB 435, by Representative Ostertag: AN ACT relating to the disposition of revenue raised from distilled spirits and the traffic in alcoholic beverages.

HB 436, by Representative Robinson: AN ACT relating to the establishment of a four year college in Floyd County.

HB 437, by Representatives Colley, Fields, Qualls, Lankford, Cole, Clark, Robinson, Ben Martin and Hopkins: AN ACT relating to education.

HB 438, by Representatives Ray and Tanner: AN ACT relating to absent voting.

HR 83, by Representative John E. White: A HOUSE RESOLUTION requesting the Division of Parks to investigate the Lee Hacker memorial at Hector, Kentucky, as a site for a state park.

HR 84, by Representatives Burress, Spurrier, Cornett, Hays, Hislope, Clark, Castle, Hall, Faulkner, John E. White, Griffin, Hardwick, C. C. Carter, Qualls, Rayburn, Glen T. White, Cook, Garner and Render: A HOUSE RESOLUTION directing the Legislative Research Commission to determine the number of state employes affiliated with the Republican Party.

Representative Ray moved to adjourn until 12 noon, March 2. Agreed.

FORTY-SIXTH LEGISLATIVE DAY

WEDNESDAY, MARCH 2, 1960

The House was called to order.

Invocation by Reverend Edward L. Tullis of the First Methodist Church.

The roll was called. All present except Baumgardner, Caudill, Davis, Farmer, Harris, Miller, Murphy, Parrish, Quinn, Steiger and Tanner, who were granted leave of absence on motion of Representative Lyon.

Reading of Journal for March 1, dispensed with and the same aproved on motion of Representative Isler.

Orders of the Day

SB 82 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that the vote by which **SB 82** was passed be reconsidered. Agreed.

HB 180 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved to concur in the following Senate Amendment to **HB 180:**

"Amend printed copy of House Bill 180 on page 3, Section 1, Line 45 by inserting the following after said line 45:

18. GENERAL ASSEMBLY

A. LEGISLATIVE—Legislative Sesisons—$200,000" and
"Amend printed copy of House Bill 180 on page 1, title

By amending said title to read as follows: AN ACT relating to additional appropriations for the General Assembly and various agencies of State Government for the fiscal year 1959-60." Agreed.

On the roll call, the vote was yeas 74—Alenander, Barton, Bates, Brizendine, Buckman, Burress, Earl Carter, Castle, Chumbler, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Dexter, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Ostertag, Osting, Peniston, Qualls Ray, Render, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 180** was passed and the title agreed to.

Representative Ray moved that **HB 33, HB 130, HB 76, HB 133, HB 147** and **SB 96** be taken from Clerk's desk and placed in Orders of the Day. Agreed.

Introduction of Resolutions

Representative Ray moved the adoption of **SR 28.** Agreed.

SR 28, A RESOLUTION requesting the Division of Parks to investigate the potential of The Narrows on the south fork of the Kentucky River in Clay County, at Teges, Kentucky, as a site for a State Park.

WHEREAS, The Narrows is approximately 50 miles from the Levi Jackson State Park, at London, Kentucky, and approximately 40 miles from the Buckhorn Reservoir, in Perry County, and 60 miles from Natural Bridge State Park; and

WHEREAS, a State Park in this location will serve parts of several counties locally, and is on Highway 11, which runs north and south across the State, and will be a major attraction for tourists if properly developed; and

WHEREAS, there is a rapids in the river of some 80 foot pitch with ideal waters for swimming, boating and fishing; and

WHEREAS, the old Narrows' water mill can be replaced at a reasonable expense to attract many tourists; and

WHEREAS, there are some three or four hundred acres of level and rolling land nearby that can be obtained for picnicking and other tourists facilities such as play grounds and trailer parking; and

WHEREAS, there is a cave, an ever-running spring, and a historical wagon road leading in from the north; and

WHEREAS, all of this area is over-hung with ivy, wild flowers and other beautiful attractions that would be admired by visitors; and

WHEREAS, hundreds of people who have gone to other states return to this place every year to see it as it is at the present time;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky the House of Representatives concurring therein:

Section 1. That the Division of Parks of the Department of Conservation be, and it hereby is, requested to investigate the potential of the Narrows on the south fork of the Kentucky River as a site for a State Park.

Section 2. That if the division finds the location suitable for a State Park, the division is directed to take the necessary steps to create a State Park at the Narrows.

Section 3. That the Clerk of the Senate is instructed to forward a copy of this resolution to the Commissioner of Conservation.

HR 83, by Representative White:

HR 83, A RESOLUTION requesting the Division of Parks to investigate the Lee Hacker Memorial at Hector, Kentucky, as a site for a state park.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Division of Parks of the Department of Conservation be, and it hereby is, requested to investigate the potenial of the Lee Hacker Memorial at Hector, Kentucky as a site for a state park.

Section 2. That the Division of Parks be, and it hereby is, requested to take appropriate measures to create a park at that site if the findings of the investigation are favorable.

Section 3. That the Clerk of the House of Representatives is directed to forward a copy of this Resolution to the Director of the Division of Parks of the Department of Conservation.

Representative White moved the adoption of **HR 83.** Agreed.

Report of Committees

Committee on Rules reported **HB 29** and **HB 285** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 29, AN ACT relating to primary elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in June of each year between the hours of 6:00 a.m. and 5:00 p.m., at the regular polling place in each election precinct.

HB 285, AN ACT relating to the education of children whose father is a permanently and totally disabled war veteran.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any child whose father is a permanently and totally disabled war veteran shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

Section 2. To be entitled to benefits under this Act the father of the child claiming benefits must be rated permanently and totally disabled for pension purposes or one hundred percent disabled for compensation purposes by the United States Veterans Administration of the Department of Defense.

Section 3. In the absence of certification of permanent and total disability by the United States Veterans Administration or the Department of Defense, medical evidence showing permanent and total disability may be accepted, if this evidence is signed by a physician licensed to practice in the Commonwealth of Kentucky or an official of an accredited medical hospital in the Commonwealth of Kentucky.

Section 4. The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence.

Section 5. To entitle a child or children to benefits under this Act the disabled war veteran must have served during time of war or the Korean Conflict in the Armed Forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident of the Commonwealth of Kentucky, and his residency must have been for a period of not less than five years immediately preceding the effective date of this Act.

Section 6. Any person or persons making fraudulent statements to obtain benefits under this Act shall be imprisoned in the penitentiary for one year or fined one thousand dollars, or both.

Committee on Rules reported **HB 309** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 309, AN ACT relating to highway construction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 176.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Department of Highways may cause any road construction or reconstruction work to be done by employes of the department instead of through contractors when, in the opinion of the commissioner as expressed in an official order:

(1) No satisfactory bid is received for the construction or reconstruction of the road after all necessary steps have been taken to obtain bids for such work, and the estimated cost of the project is less than $12,000.

(2) Emergency construction or reconstruction is necessary, and the estimated cost of the project is less than $12,000.

(3) Construction or reconstruction of access roads would serve as an inducement to industrial location or substantial expansion, and the estimated cost of the project is less than $12,000.

(4) The work project is within the boundaries of property owned by other governmental agencies, and the estimated cost of the project is less than $12,000.

Committee on Rules reported **HB 344, HB 408, HB 102, HB 348, HB 392, HB 373, HB 83, HB 331, SB 159, HB 383, HB 416** and **HB 398,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 344, AN ACT relating to jailer's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding ____________$6.00

Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day $2.00.

Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons____________ .50

Keeping and dieting prisoners in jail, in counties not containing a city of the first class, when confined for an offense other than a felony or contempt of court, per day____________$2.00

Keeping and dieting prisoners in jail, in counties containing a city of the first class, when confined for an offense other than a felony or contempt of court, per day____________$2.50

Imprisoning and releasing a prisoner charged with a misdemeanor ____________ .75

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt______________ .75

Keeping and dieting a prisoner charged with a felony or contempt, in counties not containing a city of the first class, per day_______$2.00

Keeping and dieting a prisoner charged with a felony or contempt, in counties containing a city of the first class, per day____$2.50

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons__ .50

Each day's attendance upon the circuit court_____________$6.00

Furnishing fuel, light and water to the circuit court, not exceeding per day ____________$2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

HB 408, AN ACT relating to punishment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That at the next general election, and in conformance with the procedure therefore, there shall be submitted to the qualified voters for the information and guidance of the members of the General Assembly at its next regular session thereafter, the proposition of retaining capital punishment in this Commonwealth.

Section 2. The Secretary of State shall, on the first day of the next regular session of the General Assembly thereafter, deliver to each of the presiding officers of the General Assembly, his certificate showing the total vote cast on this question in each county of the Commonwealth, and the total vote cast on the question in the Commonwealth. The presiding officer shall cause such certificate to be filed and entered in the journals of their respective houses.

HB 102, AN ACT relating to deputy circuit court clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The fiscal court of each county may provide a deputy circuit court clerk to assist the circuit court clerk in the performance of his duties. The deputy circuit court clerk shall exercise all the powers of a circuit court clerk, under the clerk's supervision and control, and shall act as assistant county law librarian.

Section 2. Any fiscal court which appoints a deputy circuit court clerk under Section 1 of this Act shall set his compensation, to be paid from the general fund of the county.

HB 348, AN ACT relating to Motor Fuel Tax on Liquefied Petroleum Gas When Used as a Motor Fuel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

As used in this Act, unless the context otherwise requires:

Section 1. Section 138.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means the "Department of Revenue";

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "Person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof;

(3) "Taxable special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210, and Liquefied Petroleum Gas as defined in KRS 234.100;

(4) "Motor Vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle;

(5) "Public highways" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction;

(6) "Special fuels dealer" means any person who imports or causes to be imported into this state for resale or use, or any person making sales in this state, of special fuels for resale or use in this state by a licensed special fuels user-seller;

(7) "Special fuels user-seller" means any person, not licensed as a special fuels dealer, who dispenses special fuels into the fuel tanks of, or attached to, motor vehicles for the propulsion of such motor vehicles on the public highways, and shall include any such person who so dispenses special fuels for consumption in such motor vehicles owned, leased, or operated by him.

Section 2. A new section of the Kentucky Revised Statutes is enacted to read as follows:

As used in this act, unless the context requires otherwise:

(1) "Department" means the Department of Revenue;

(2) "Person" includes every natural person, fiduciary, association, state, or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof;

(3) "Liquefied Petroleum Gas Motor Fuel" means and includes all combustible gases and liquids as described in KRS 234.100 used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways.

(4) "Motor Vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle;

(5) "Public highways" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction;

(6) "Liquefied Petroleum Gas Motor Fuel Dealer" means any person who imports or causes to be imported into this state for resale or use, or any person making sales in this state, of liquefied petroleum gas motor fuel for resale or use in this state by a licensed liquefied petroleum gas motor fuel user-seller;

(7) "Liquefied Petroleum Gas Motor Fuel User-Seller" means any person, not licensed as a liquefied petroleum gas motor fuel dealer, who dispenses liquefied petroleum gas motor fuel into the fuel tanks of, or attached to, motor vehicles for the propulsion of such motor vehicles on the public highways, and shall include any such person who so dispenses liquefied petroleum gas motor fuel for consumption in such motor vehicles owned, leased, or operated by him.

Section 3. A new section of the Kentucky Statutes is enacted to read as follows:

(1) An excise tax of seven cents per gallon is hereby levied and shall be paid by the liquefied petroleum gas motor fuel dealer to the department on all taxable liquefied petroleum gas motor fuel delivered to the licensed liquefied petroleum gas motor fuel user-seller or withdrawn by the liquefied petroleum gas motor fuel dealer to propel motor vehicles on the public highways, either within or without this state. An allowance of one percent of the tax shall be made to the liquefied petroleum gas motor fuel dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) Two-sevenths of all amounts received by reason of the tax paid under subsection (1) shall be set aside by the Department of Highways for the construction, reconstruction, and maintenance of rural and secondary roads and for no other purpose.

(3) No other excise or license tax shall be levied or assessed on liquefied petroleum gas motor fuel by any political subdivision of the state; except the licenses under KRS 234.120.

(4) No provision of this Act shall in any way affect the surtax imposed on heavy equipment motor carriers under KRS 138.660.

Section 4. A new section of the Kentucky Statutes is enacted to read as follows:

(1) A license shall be required of each liquefied petroleum gas motor fuel dealer and each liquefied petroleum gas motor fuel user-seller.

(2) Application for a license shall be made to the department upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, a liquefied petroleum gas motor fuel dealer shall file with the department a bond as required under Section (5) of this Act. No license shall be issued to any person unless such person has furnished a bond as provided in Section 5 of this Act to secure payment of taxes, penalties and interest imposed by this Act. No bond shall be filed with an application for a liquefied petroleum gas motor fuel user-seller license.

(4) The application in proper form having been accepted for filing, the bond, if required, having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

Section 5. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Every Liquefied Petroleum Gas Motor Fuel dealer shall file with the department a corporate bond, cash bond or securities approved by the department in a minimum amount of $500.00 and in a maximum amount of four months' liability for taxes imposed under this Act but not to exceed $50,000.00. If however, a liquefied petro-

leum gas motor fuel dealer is bonded as provided in KRS 138.330 the department may waive the bonding requirement in this section provided a rider is attached to such bond to guarantee payment of all liquefied petroleum gas motor fuel taxes together with all penalties and interest thereon and secure faithful compliance with the provisions of this Act. The applicant for a license shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the licensee to the department of all taxes levied under this Act, together with all penalties and interest thereon and generally upon faithful compliance with the provisions of this Act.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise or if in the opinion of the department any surety has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory surety in the same form and amount, failing which the department shall forthwith cancel the license. If a new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given ten days' notice in writing, the department decided that the amount of the existing bond is insufficient to insure payment to this state of the amount of tax, penalties, and interest for which the licensee is or may become liable, the licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license.

(4) Any surety on a bond furnished by a licensee shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly on the receipt of the request, notify the licensee who furnished the bond, and unless the licensee shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license. If the new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 6. A new section of the Kentucky Statutes is enacted to read as follows:

(1) If a licensee at any time files a false monthly report of the

information required, or fails or refuses to file the monthly report or to pay the full amount of the tax or violates any other provision of this Act, without a showing that such failure was due to reasonable cause, the department may cancel the license and suspend the privilege of acting as a liquefied petroleum gas motor fuel dealer.

(2) Upon voluntary surrender of the license or upon receipt of a written request by a licensee, the department may cancel his license, effective sixty days from the date of request, but no such license shall be cancelled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the department his license.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a liquefied petroleum gas motor fuel dealer or a liquefied petroleum gas motor fuel user-seller, and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days' notice of cancellation, mailed to his last known address in which event the license shall be surrendered to the department.

(4) Whenever a licensee ceases to engage in business within this state, he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under this Act, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the department his license.

(5) If the license is cancelled by the department as provided in this section, and if the licensee has paid to this state all taxes, interest and penalties under this Act, the department shall cancel the bond filed by the licensee.

Section 7. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Every liquefied petroleum gas motor fuel dealer licensee shall maintain complete records of inventories, purchases, sales, use and other dispositions of liquefied petroleum gas. Such records, together with manifests of lading, invoices, correspondence, and other papers pertaining to liquefied petroleum gas motor fuel shall be retained for a minimum of two years, and if requested by the department, shall be made available for examination by the department.

(2) Where storage of liquefied petroleum gas is for multiple uses, and where the number of gallons taxable of liquefied petroleum gas motor fuel are determined by the liquefied petroleum gas motor fuel dealer and/or the liquefied petroleum gas motor fuel user-seller, based on the best estimate possible from mileage and efficiency records

available, all mileage and efficiency records of such motor vehicle must be retained for a minimum period of two years, and, if requested by the department, shall be made available for examination by the department.

Section 8. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Every liquefied petroleum gas motor fuel dealer licensee shall file with the department, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show such information as the department may require. The licensee shall file the return on or before the last day of the next succeeding calendar month following the month to which it relates.

(2) The monthly tax return shall be accompanied by remittance covering the tax due.

Section 9. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Liquefied Petroleum Gas Motor Fuel dealers using, selling, and/or delivering liquefied petroleum gas to motor vehicles, or into storage for use in motor vehicles, shall report and pay the state tax of seven cents per gallon on all such fuel to the Department of Revenue. The dealer shall issue an invoice to the customer whenever the sale or delivery is consummated giving the invoice date, name and address of the customer, and number of taxable gallons sold or delivered. The number of taxable gallons to be invoiced shall be determined in the following manner by the dealer:

(a) The metered gallons, if placed into a fuel tank of a motor vehicle.

(b) The metered gallons, if placed into storage, all of which is to be used or sold for use in motor vehicles.

(c) The number of gallons to be used in motor vehicles, if the storage is for multiple uses. The number of taxable gallons to be determined by the user and the dealer based on the best estimate possible from mileage and efficiency records available.

(d) If the motor vehicle carburetor is connected to a fuel line leading from a fuel tank where another, or other motors are supplied with fuel also, then the number of gallons to be invoiced as taxable motor fuel shall be determined from mileage and fuel efficiency records.

Section 10. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Any holder of a liquefied petroleum gas motor fuel user-seller license, using liquefied petroleum gas as a motor fuel to propel motor vehicles upon the highways may fuel his own vehicles from

storage where non-taxable liquefied petroleum gas is stored provided:

(a) The State tax has been paid to the distributor or supplier of liquefied petroleum gas, who is licensed as a liquefied petroleum gas motor fuel dealer, on that portion intended for use on the highway; and further provided that

(b) The liquefied petroleum gas storage facilities meet the requirements of KRS 234.100 to KRS 234.990 and regulations promulgated thereunder.

Section 11. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The department may audit the books and records of each licensee and make such other investigations as it deems necessary to determine whether or not the tax and other requirements imposed by this act have been met.

Section 12. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The reports required by Section 8 of this Act shall be accompanied by a certified or cashier's check payable to the State Treasurer, for the amount of tax due for the preceeding calendar month computed as provided in Section 9 of this Act, except that the department may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of this Act.

Section 13. A new section of the Kentucky Statutes is enacted to read as follows:

(1) If any liquefied petroleum gas motor fuel dealer neglects or refuses to make the return required by Section 8 of this Act or to pay the tax at the time provided, a penalty of twenty percent thereof and interest at six percent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty of twenty percent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with Section 8 of this Act, and if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five percent of the amount of the tax due and delinquent, provided the five percent penalty may be reduced to a one percent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) Any liquefied petroleum gas motor fuel dealer who fails to make any return required under Section 8 of this Act within the time required shall pay a penalty of ten dollars to be assessed and collected

in the manner provided for the assessment and collection of taxes under this Act or in a civil action initiated by the department. In addition such delinquent taxpayer may be compelled to make the required report or return.

Section 14. A new section of the Kentucky Statutes is enacted to read as follows:

(1) With respect to this Act, it is unlawful for any person to:

(a) Fail to pay the taxes due;

(b) Fail, neglect or refuse to make and file any statement required in the manner or within the time required;

(c) Make any false statement or conceal any material fact in any record, report or affidavit;

(d) Conduct any activities requiring a license without a license or after a license has been surrendered, cancelled or revoked;

(e) Assign or attempt to assign a license to act as a liquefied petroleum gas motor fuel dealer;

(f) Violate any other provisions.

Section 15. A new section of the Kentucky Statutes is enacted to read as follows:

(1) The department shall administer the taxes provided in this Act and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(2) The department shall, upon the request of the officials to whom are entrusted the enforcement of the liquefied petroleum gas motor fuel tax law of any other state, the United States, the provinces of the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment, or delivery by any person of liquefied petroleum gas motor fuel, provided such other state or states provides for the furnishing of like information to this state.

Section 16. A new section of the Kentucky Statutes is enacted to read as follows:

(1) Any person violating any provision of Section 13 of this Act shall be fined not more than one thousand dollars or imprisoned in the county jail for more than six months, or both. Upon conviction of a second offense, he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

Section 17. A new section of the Kentucky Statutes is enacted to read as follows:

The effective date of this Act shall be July 1, 1960.

HB 383, AN ACT establishing a commission for the study and evaluation of the system of public education in Kentucky.

WHEREAS, a major portion of the appropriations from the General fund are made in support of the public education program; and

WHEREAS, Kentucky's growth in population will continue in the decade to come, resulting in the need for further expansion of educational facilities and programs; and

WHEREAS, no comprehensive study has been made with regard to the School Foundation Program or other public education programs; and

WHEREAS, Kentucky's desire for a continuous strengthening and improving of public education necessitates the continuing evaluation of the programs by educators and lay people alike.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) In order to provide for the continuous study and evaluation of the Commonwealth's system of public education, there is hereby created a commission to be known as the Commission on Public Education. The commission's staff consititutes an agency independent of state administrative departments.

(2) The commission shall consist of nine members known for their interest in and knowledge of the state's education system, said members to be appointed by the Governor. Not more than four of these members shall be educators. Three members shall be appointed for a term of two years; three for a term of three years; and three for a term of four years. These appointments shall be effective July 1, 1960. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill existing vacancies.

(3) The commission shall study the problems and evaluate programs of public education within the Commonwealth. Such studies and evaluations shall include but not be limited to present policies concerning public school transportation, free textbooks programs, school personnel, public school physical plants. The commission shall submit an annual report to the Governor and such special reports on its findings as the Governor may require.

(4) The chairman and vice-chairman of the commission shall be elected at the first meeting and each year thereafter. The commission may appoint an executive committee empowered to act for the commission in all matters. Meetings will be held at least four (4) times a year, but special meetings may be called at the discretion of the chairman. Commission members will be paid twenty-five

dollars ($25.00) per diem plus expenses for each regular or special meeting which they attend.

Section 2. The commission shall appoint an executive director who shall serve at the pleasure of the commission. His salary shall be fixed by the commission within the limits of the funds made available to the commission. The executive director may employ, with the approval of the commission, such staff as may be necessary to conduct studies and evaluations of programs of public education as provided in this Act.

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated to the commission $75,000 each year of the 1960-62 biennium.

HB 392, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There is hereby created as a committee of the Legislative Research Commission a Joint Legislative Advisory Committee to consist of twenty-four members, sixteen from the House of Representatives and eight from the Senate.

(2) The Legislative Research Commission shall within fourteen days after a general election in which members of the General Assembly are elected call into convention as a citizens committee those persons elected to serve in the next General Assembly.

(3) The director of the Legislative Research Commission, or his designate, shall direct the members of the committee to form sixteen subcommittees, two for each congressional district. Members-elect to the House of Representatives residing within the boundaries of each of the congressional districts shall constitute a subcommittee. Senators-elect residing within the boundaries of each of the congressional districts shall constitute a subcommittee. Each subcommittee consisting of House members shall elect two of its own number and each subcommittee consisting of Senators shall elect one of its own number to serve on the Joint Legislative Advisory Committee. Members of the Legislative Research Commission are ineligible to serve on the Joint Legislative Advisory Committee. Members of the General Assembly serving on congressional district subcommittees or on the Joint Legislative Advisory Committee shall be compensated as provided in subsection (5) of Section 7.110 of the Kentucky Revised Statutes.

(4) Only one ballot shall be taken in electing the two members of the Legislative Advisory Committee from the subcommittees consisting of House members. The person receiving the highest number

of votes and the person receiving the next highest number of votes shall be elected. Tie votes shall be decided by lot.

(5) The member selected by a congressional district subcommittee to serve on the Joint Legislative Advisory Committee who received the highest number of votes shall serve as chairman of the subcommittee selecting him. The chairman shall from time to time advise and consult with district subcommittee members and shall counsel with them on all matters pertaining to preparation for the next General Assembly. He shall report their views on such matters to the Joint Legislative Advisory Committee, and shall keep them informed of the Joint Committee's work on such matters. The subcommittees shall meet at the call of the chairman. Each meeting shall be on one day's duration, and no more than four such meetings, in addition to the convention meeting, shall be held before the convening of the next General Assembly. Meetings may be held at any place within the congressional district.

Section 2. (1) The Director of the Legislative Research Commission shall call the first meeting of the Joint Legislative Advisory Committee. The members of the Joint Legislative Advisory Committee shall, for the purpose of conducting its affairs, establish two subcommittees, one to consist of its House members and the other of its Senators. Each subcommittee may select its own chairman, vice chairman, and secretary. The chairman of the subcommittees may alternate as chairman of the Joint Legislative Advisory Committee, and each shall preside over the opening session of the House and Senate, as the case may be, until a presiding officer is selected.

(2) The Joint Legislative Advisory Committee may by a vote of a majority of members of each of its subcommittees:

(a) Approve or disapprove recommendations of subcommittees,

(b) Instruct the Legislative Research Commission on matters pertaining to the next session,

(c) Recommend subjects for Legislative Research Commission study,

(d) Advise and counsel with administrative officers and employees of the Commonwealth.

(3) The Joint Legislative Advisory Committee through its appropriate subcommittee shall report to the respective Houses of the General Assembly when it first convenes. In addition to matters provided for in subsection (2) the reports may contain recommendations concerning suggested rules of procedure, committee organization, officers and employees and any other matter pertaining to the organization and operation of the affairs of the General Assembly.

(4) The Joint Legislative Advisory Committee shall continue from the time of its selection until:

(a) its work is finished, or

(b) it adjourns sine die, or

(c) the General Assembly to and for which it makes recommendations adjourns without instructions for its continuation.

HB 373, AN ACT relating to Cooperative Marketing Associations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 272.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation of each association shall state:

(a) The name of the association;

(b) The purpose for which it is formed;

(c) The place where its principal business will be transacted;

(d) Its duration, which may be perpetual,

(e) The number of directors, their term of office, and the names and addresses of the incorporating directors;

(f) If organized without capital stock, whether the property rights and interest of each member are equal or unequal; and if unequal, the general rules applicable to all members by which the property rights and interests of each member shall be determined; and provision for the admission of new members who may all share in the property of the association with the old members; and

(g) If organized with capital stock, the maximum amount of stock and the number of shares into which it is divided and the par value; and if the stock is divided into preferred and common stock, a statement of the number of shares of stock to which preference is granted and the number to which no preference is granted and the nature and definite extent of the preference and privileges granted to each. No specific amount of the capital stock authorized shall be required to be subscribed before the corporation shall be permitted to transact business with others than its stockholders; the board of directors of the corporation may determine the amount of capital stock to be issued as the business of the corporation may justify or demand, from time to time, within the amount of the total authorization.

(2) The articles shall be signed, acknowledged, filed and recorded in accordance with the statutes relating to private corporations generally, and, in addition, a quadruplicate of the articles, endorsed by the Secretary of State with the fact and time of recording of the articles in his office, shall be filed with the Dean of the College of Agriculture of the University of Kentucky.

Section 2. Section 272.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation may be amended at any regular

meeting or any special meeting called for that purpose. An amendment must first be approved by two-thirds of the directors and then adopted by a vote representing a majority of all the members of the association.

(2) Notwithstanding the provisions of subsection (1) of this section, an amendment whose only effect is to extend the period of such corporation's duration may be adopted by two-thirds of the directors, and shall become effective when signed and acknowledged by them, and filed and recorded pursuant to KRS 272.130.

(3) The provision of the articles required by paragraph (f) of subsection (1) of KRS 272.130 shall not be amended or repealed except by the written consent or vote of three-fourths of the members.

(4) For the recording of articles of incorporation or amendments thereto by the Secretary of State and county court clerk, and for the issuance of a certificate of incorporation or certificate of amendment by the Secretary of State, an association shall pay the same fees as are provided for such services in the statutes relating to private corporations generally.

Section 3. There is created a new Section in Chapter 272 of the Kentucky Revised Statutes to read as follows:

When an amendment to the articles of incorporation is adopted by virtue of subsection (2) of Section 2 of this Act, such an amendment shall be without prejudice to the right of any stockholder or member to withdraw from the corporation and receive the value in cash of his interest therein as appraised and determined by the Board of Directors as permitted by KRS 272.150 (2) (i).

HB 83, AN ACT relating to licensing of motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) A motor vehicle operator's license issued to a person sixteeen or more years of age and less than eighteen years of age who otherwise meets the licensing requirements shall be a junior operator's license. The Department of Public Safety may prescribe by regulation the manner of issuing a junior operator's license.

(2) A junior operator license shall not entitle a licensee to operate a motor vehicle during the hours of darkness.

(3) The extent to which a holder of a junior operator's license may operate a motor vehicle thereunder shall be printed on each such license.

(4) A junior operator's license shall automatically become a regular operator's license when the licensee reaches the age of eighteen years.

Section 2. (1) The Department of Public Safety shall forthwith revoke the license of any junior operator of a motor vehicle upon receiving record of his conviction of any infraction of the motor vehicle laws which involve a moving vehicle, or the licensee's driving during the hours of darkness.

(2) The revocation of a junior operator's license under this section shall be for the period of one year, or until the licensee reaches the age of eighteen years, whichever is greater.

HB 331, AN ACT relating to the Kentucky Employes' Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 61.510 to 61.700 is created to read as follows:

The effective date of participation of the circuit clerks department in the Kentucky Employes' Retirement System is declared to be July 1, 1956. Both employer and members shall make contributions, and members receive benefits, based on that date.

SB 159, AN ACT relating to the Department of Insurance, amending Kentucky Revised Statutes, Section 304.484.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.484 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Custodian of Insurance Securities shall be appointed by the Governor, in accordance with laws governing other executive appointments. He shall receive a monthly salary to be fixed by the Governor in accordance with the provisions of KRS 64.640, but to be paid out of custodial expense funds provided by insurers pursuant to KRS 304.503.

(2) The custodian shall receive in his official capacity, all deposits made with him pursuant to this code.

(3) The custodian shall be available at all reasonable times in the branch office of the Department of Insurance, maintained in a city of the first class.

HB 416, AN ACT relating to depositing materials on highway rights of way.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall throw or deposit on any public highway

any glass, nail, tack, hoop, wire, can or any other substance likely to injure any person, animal or vehicle.

(2) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(3) No person shall throw, dump or dispose of any debris or waste material of any kind upon the right of way of any highway.

(4) Any person who violates subsection (1) or (2) of this section shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (3) of this section shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

HB 398, AN ACT relating to clerks of justices' courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In each justice's district in counties containing a city of the second class and a population of less than 250,000 the justice of the peace may appoint a clerk for a term not to exceed the current term of office of the justice, and any necessary deputy clerks. All clerks and deputy clerks shall receive a salary as determined under KRS 64.530 paid from the fees received by the justice's court.

Committee on Rules reported **HB 184** with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 184, AN ACT permitting fiscal courts to provide liability and indemnity insurance for benefits of patients of county operated hospitals and prescribing certain policy conditions, and amending Section 67.186 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 67.186 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of any county in which there is a county operated hospital may provide for liability and indemnity insurance for the benefit of the hospital against the negligence of the employes of such hospital.

(2) The insurance policies so purchased by the fiscal court shall be purchased only from insurance companies authorized to transact business in this state, and any such policy shall bind the insurer to pay, subject to the terms and conditions of the policy, any final judgment, not in excess of the policy limits, rendered against the insured hospital or hospital employes for the death or injury of any patient, or damage

to the property of any patient, resulting from the negligence of the hospital, its agents or employes.

(3) This Act shall not be construed as waiving the immunity of the county or county operated hospital from suit only to the extent of the policy limits, and no judgment may be enforced or collected against the county, fiscal court, the members thereof, or such hospital, but shall only measure the liability of the insurance carrier. No attempt shall be made in the trial of any suit to suggest the existence of any insurance which covers in whole or in part any judgment or award which has been rendered in favor of the claimant, but if the verdict rendered by the jury exceeds the limits of applicable insurance, the court shall reduce the amount of said judgment to a sum equal to the applicable limit stated in the policy.

Calendar

SB 155 was taken from the Calendar and ordered read at length for the second time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day

HB 226 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

HB 210 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 77—Barton, Bates, Brizendine, Buckman, C. C. Carter, Castle, Childress, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Tucker, G. T. White, J. E. White, Wood, Young. Nays 2—Burress, Griffin. **HB 210** was passed and the title agreed to.

HB 193 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

SB 46 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Denham moved to amend **SB 46** as follows: "Amend printed copy of Senate Bill 46 on page 3, after section 4, line 4 by adding the following: "Section 5. The provisions of this Act shall not apply to the cremation of stillbirths (fetal deaths) in the absence of any indication of a criminal act." Agreed.

On the roll call, the vote was yeas 76—Barton, Bates Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Childress, Chumbler, Clark, Cole, Colley, Cook, Cowherd, Crecelius, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hampton, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Ray,Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **SB 46** was passed and the title agreed to.

HB 250, HB 232, HB 238 and **SB 99** taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

HB 301 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 56—Barton, Bates, Buckman, Burress, Earl Carter, Childress, Clark, Cole, Colley, Cottengim, Dexter, Dobyns, Dowell, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Hall, Hardin, Houtchens, Irick, Isler, Lankford, Lyon, Ben Martin, Miles, Moorman, L. F. Morgan, Murphy, Neel, Nolan, Osborn, Ostertag, Osting, Rausch, Ray, Rayburn, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Treas, Tucker, Wathen, G. T. White, Young. Nays 6—Cook, Cowherd, Haley, Moloney, Peniston, Tanner. **HB 301** was passed and the title agreed to.

HB 232 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 77—Barton, Bates, Brizendine, Buckman, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Ray, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 232** was passed and the title agreed to.

HB 319 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 81—Alexander, Barton, Bates, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Hardin, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Osting, Peniston, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood. Nays 0. **HB 319** was passed and the title agreed to.

HB 37 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 61—Alexander, Bates, Brizendine, Buckman, C. C. Carter, Childress, Clark, Cole, Colley, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Dexter, Dobyns, Dowell, Ellis, Fern, Fields, Fitzpatrick, Garner, Griffin, Hahn, Haley, Hall, Hardin, Henry, Hill, Houtchens, Irick, Isler, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Murphy, Nolan, Osborn, Ostertag, Osting, Peniston, Rausch, Render, Reynolds, Robinson, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Nichols. **HB 37** was passed and the title agreed to.

HB 330 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day.

HB 245 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Ray moved to amend **HB 245** as follows: "Amend printed copy of **HB 245** on page 1, section 1, line 11 Amend House Bill No. 245 by striking the comma after the word "premises" in section 1, line 11, of said bill and inserting in lieu thereof the following: "provided, however, said brewers may sell malt beverages to any of its employees for home consumption." Agreed.

On the roll call, the vote was yeas 45—Alexander, Bates, Buckman, Burress, Earl Carter, Castle, Childress, Cook, Cowherd, Crecelius, Dean, Dexter, Dobyns, Dowell, Fitzpatrick, Ford, Griffin, Hahn, Haley, Henry, Houtchens, Hopkins, Isler, Lyon, Miles, Moloney, Murphy, Nichols, Nolan, Ostertag, Osting, Peniston, Qualls, Rausch, Ray, Rayburn, Render, A. C. Smith, Virgil Smith, Stacy, Summe, Tanner, Treas, Tucker, Young. Nays 5—Cole, Cottengim, Ellis, Garner, Irick. **HB 245** was passed and the title agreed to.

HB 268 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day.

HB 288 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Barton moved to amend **HB 288** as follows: "Amend printed copy of **HB 288** on page 1, section 2, line 3 Strike the words "is over thirty years old" and substitute the words "was manufactured prior to 1934". Agreed.

"Amend printed copy of **HB 288** on page 2, section 4, line 1 Strike the word "fifteen" and substitute the word "seven". Agreed.

On the roll call, the vote was yeas 71—Alexander, Barton, Bates, Brizendine, C. C. Carter, Earl Carter, Castle, Childress, Chumbler, Clark, Cole, Colley, Cook, Cottengim, Cowherd, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardwick, Henry, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nolan, Ostertag, Osting, Peniston, Qualls, Rausch, Ray, Render, Reynolds, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Summe, Tanner, Treas, Tucker, G. T. White, J. E. White, Wood, Young. Nays 0. **HB** 288 was passed and the title agreed to.

The Speaker vacated the Chair, and Representative Rayburn presided.

HB 231 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Hahn moved to amend **HB** 231 as follows: "Amend printed copy of **HB** 231 on page 6, section 3, line 14, 15 and 16 by deleting lines 14, 15 and 16 and substituting in lieu thereof the following: "The issuance fee for each auctioneer's and apprentice auctioneer's license shall be fifteen dollars and the annual renewal fee for each license shall be fifteen dollars." Agreed.

On the roll call, the vote was yeas 52—Barton, Brizendine, Buckman, Chumbler, Cole, Colley, Cowherd, Crecelius, Dean, Denham, Dexter, Dowell, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Garner, Hahn, Henry, Hill, Houtchens, Hopkins, Irick, Isler, Lankford, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Neel, Nichols, Nolan, Osborn, Osting, Qualls, Ray, Rayburn, Reynolds, Roberts, Slusher, A. C. Smith, Virgil Smith, Stacy, Tanner, Treas, Tucker, Wathen, G. T. White, Young. Nays 18—Burress, Chas. Carter, Castle, Cook, Cornett, Ford, Hall, Hardwick, Hays, Hinkle, Hislope, Peniston, Render, Robinson, Spurrier, Stidham, John E. White, Wood. **HB** 231 was passed and the title agreed to.

Representative Ray moved to suspend the Rules to introduce Resolution. Agreed.

HR 90 by Representative Ray:

HR 90, A RESOLUTION requesting the Governor to return Senate Bill 82 to the House of Representatives for reconsideration.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Governor be, and he hereby is, requested to return Senate Bill 82 to this House, in order that it may be reconsidered.

Representative Ray moved the adoption of **HR 90.** Agreed.

HB 326 and **SB** 112 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bills be deferred and that they retain their place in Orders of the Day. Agreed.

HB 64 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Lowman moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 61—Barton, Bates, Brizendine, Caudill, Childress, Chumbler, Cole, Colley, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Fern, Fields, Fitzpatrick, Hahn, Haley, Hampton, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osting, Peniston, Ray, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Stidham, Tanner, Treas, Tucker, Wathen, Wood, Young. Nays 17—Burress, C. Carter, Castle, Cook, Cornett, Ellis, Faulkner, Griffin, Hardwick, Hays, Hislope, Qualls, Rayburn, Spurrier, Summe, Glen White, John White. **HB 64** was passed and the title agreed to.

HR 63 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

HR 21 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Brizendine, Buckman, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Dean, Denham, Dexter, Dowell, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Griffin, Hahn, Haley, Hall, Hampton, Hardwick, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lowman, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Treas, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HR 21** was passed and the title agreed to.

The Speaker resumed the Chair.

HR 63 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 82—Alexander, Barton, Bates, Brizendine, Castle, Caudill, Childress, Clark, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Ostertag, Peniston, Qualls, Rausch, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HR 63** was passed and the title agreed to.

HB 164 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 75—Barton, Bates, Brizendine, Burress, Castle, Caudill, Childress, Chumbler, Clark, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Denham, Dexter, Dobyns, Dowell, Edmunds, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hampton, Hardin, Hardwick, Harris, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Murphy, Nichols, Nolan, Osborn, Peniston, Qualls, Rausch, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 2—Dean, Ellis. **HB 164** was passed and the title agreed to.

SB 112 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 65—Alexander, Barton, Bates, Brizendine, Burress, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Colley, Cook, Cowherd, Crecelius, Denham, Dexter, Dobyns, Dowell, Ellis, Faulkner, Fields, Fitzpatrick, Griffin, Hahn, Haley, Hall, Hardwick, Harris, Henry, Hill, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Peniston, Qualls, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Treas, Wathen, G. T. White, J. E. White, Young. Nays 4—Fern, Hardin, Render, Tucker. **SB 112** was passed and the title agreed to.

HB 330 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Buckman moved to amend **HB 330** as follows: "Amend printed copy of **HB 330** on page 4, section 4, line 21 by deleting the figure $100.00" and inserting in lieu thereof the figure $50.00." Agreed.

On the roll call, the vote was yeas 27—Bates, Buckman, Burress, Earl Carter, Childress, Cook, Cottengim, Dexter, Dobyns, Fitzpatrick, Haley, Hall, Henry, Isler, Miles, Moloney, Moorman, Murphy, Neel, Ostertag, Osting, Rausch, Rayburn, Reynolds, J. D. Smith, Summe, Young. Nays 40—Barton, Brizendine, Charles C. Carter, Castle, Caudill. Chumbler, Clark, Cole, Colley, Paul Cornett, Cowherd, Crecelius, Dean, Denham, Edmunds, Ellis, Fern, Ford, Garner, Griffin, Hampton, Hardin, Hardwick, Hays, Hill, Hinkle, Irick, Lovins, Lyon, Nolan, Peniston, Render, Robinson, Slusher, Spurrier, Stacy, Stidham, Tucker, Glen T. White, Wood.

HB 279 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Wathen moved to defer action on **HB 279** and that it retain its position in Orders of the Day.

HB 252 taken from Orders of the Day, on its recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Murphy moved to amend **HB 252** as follows: "Amend printed copy of **HB 252** on page 1, Title Line. AN ACT relating to prisoners in third-class cities"; and declaring an emergency to exist. Agreed.

On the roll call, the vote was yeas 74—Alexander, Barton, Bates, Brizendine, Castle, Caudill, Childress, Clark, Cole, Cook, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hampton, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Isler, Lankford, Lovins, Lyon, Ben Martin, Miles, Moloney, Moorman, L. F. Morgan, Murphy, Neel, Nichols, Nolan, Osborn, Ostertag, Peniston, Qualls, Rausch, Ray, Rayburn, Reynolds, Roberts, Robinson, Slusher, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 1—Ellis. **HB 252** was passed and the title agreed to.

HB 264 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 85—Alexander, Barton, Bates, Brizendine, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dobyns, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Griffin, Hahn, Haley, Hall, Hardin, Hardwick, Harris, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Rausch, Ray, Rayburn, Render, Reynolds, Roberts, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Stacy, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 264** was passed and the title agreed to.

HB 242 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

Representative Fitzpatrick moved the Previous Question on **HB 242.** Agreed.

On the roll call, the vote was yeas 33—Burress, Earl Carter, Childress, Cole, Cook, Cottengim, Crecelius, Davis, Dexter, Dobyns, Fitzpatrick, Hahn, Haley, Hall, Harris, Hopkins, Isler, Lankford, Fred Morgan, L. F. Morgan, Murphy, Neel, Nolan, Ostertag, Osting, Qualls, Rausch, Rayburn, Reynolds, Summe, Tucker, G. T. White, Young. Nays 42—Alexander, Barton, Bates, Brizendine, Buckman, C. C. Carter, Castle, Caudill, Clark, Colley, Cowherd, Dean, Denham, Edmunds, Ellis, Fern, Ford, Hampton, Hardin, Hardwick, Hays, Henry, Hill, Hinkle, Hislope, Houtchens, Irick, Lyon, C. H. Martin, Moloney, Moorman, Nichols, Osborn, Peniston, Ray, A. C. Smith, Spurrier, Stacy, Stidham, Tanner, Wathen and Wood. **HB 242** was rejected.

Representative Fitzpatrick moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Rausch moved to suspend Rules to introduce a resolution. Agreed.

HR 89, by Representatives Rausch, Cook, Osting, Crecelius, Ray, Baumgardner, Quinn, Miller, Steiger, and Childress.

HR 89, A CONCURRENT RESOLUTION urging the Governor of the Commonwealth to transfer funds to aid the Louisville Free Children's Hospital.

WHEREAS, the board of the Louisville Children's Hospital has announced that the hospital will be forced to close by July 31, 1960 if minimum funds are not forthcoming;

WHEREAS, the Louisville Free Children's Hospital has contributed much to the health of the children of Kentucky; and

WHEREAS, the present Governor of the Commonwealth in his proposals to the General Assembly and in his budgetary recommendations has emphasized the necessity of improving all aspects of Kentucky's health programs;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Governor of the Commonwealth of Kentucky is urged to transfer funds to the Louisville Free Children's Hospital to aid the hospital in its extreme emergency.

Section 2. That the General Assembly of the Commonwealth of Kentucky recognizes that the transfer and expenditure of money for this purpose will be for a public purpose.

Representative Rausch moved the adoption of **HR 89.** Agreed.

HB 52 taken from Orders of the Day, on recommendation of the Rules Committee and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 83—Alexander, Barton, Bates, Brizendine, Buckman, Burress, C. C. Carter, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Paul Cornett, Cottengim, Cowherd, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Faulkner, Fern, Fields, Fitzpatrick, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Hardwick, Hays, Henry, Hinkle, Hislope, Houtchens, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, Ben Martin, C. H. Martin, Miles, Moloney, Moorman, L. F. Morgan, Neel, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Rausch, Render, Robinson, Slusher, A. C. Smith, J. D. Smith, Virgil Smith, Spurrier, Stacy, Stidham, Summe, Tanner, Treas, Tucker, Wathen, G. T. White, J. E. White, Wood, Young. Nays 0. **HB 52** was passed and the title agreed to.

HB 165 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Ray moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

HB 266 taken from Orders of the Day, on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Ray moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 48—Alexander, Brizendine, C. C. Carter, Caudill, Clark, Cole, Colley, Cook, Crecelius, Davis, Dean, Denham, Dexter, Dowell, Edmunds, Ellis, Fern, Fields, Fitzpatrick, Ford, Haley, Hardin, Hays, Henry, Hill, Hinkle, Houtchens, Hopkins, Irick, Isler, Lovins, Lyon, Miles, Moloney, Moorman, L. F. Morgan, Nichols, Nolan, Osting, Peniston, Render, Robinson, Virgil Smith, Tanner, Treas, J. E. White, Wood. Nays 2—Garner, Roberts. **HB 266** was passed and the title agreed to.

Senate Message

Announcing that the president of the Senate ruled that **SB 82** was no longer the property of the Senate and could not be returned to the House for reconsideration.

Introduction of Bills and Resolutions

HB 422, by Representative Ray: AN ACT relating to County Treasurers.

HB 423, by Representative J. D. Smith: AN ACT relating to deputy constables.

HB 424, by Representative J. D. Smith: AN ACT relating to fees allowed constables.

HB 425, by Representatives John E. White, Hays and Hislope: AN ACT relating to busses.

HB 426, by Representative Virgil Smith: AN ACT relating to loan and investment companies.

HB 427, by Representatives Hinkle and Robinson: AN ACT relating to revenue and taxation.

HB 428, by Representatives Nichols and Lyon: AN ACT relating to pay of jurors.

HB 429, by Representative Ray: AN ACT relating to aeronautics.

HB 430, by Representatives Parrish and Hinkle: AN ACT relating to commissioners and receivers.

HB 431, by Representative Ray: AN ACT relating to airports.

HB 432, by Representative Robinson: AN ACT to provide special motor vehicle license plates to holders of amateur radio station licenses.

HB 433, by Representatives Quinn and Rausch: AN ACT relating to constables in counties of over 250,000 population.

HB 434, by Representative Ray: AN ACT relating to insurance.

HB 435, by Representative Ostertag: AN ACT relating to the disposition of revenue raised from distilled spirits and the traffic in alcoholic beverages.

HB 436, by Representative Robinson: AN ACT relating to the establishment of a four year college in Floyd County.

HB 437, by Representatives Colley, Fields, Qualls, Lankford, Cole, Clark, Robinson, Ben Martin, and Hopkins: AN ACT relating to education.

HB 438, by Representatives Ray and Tanner: AN ACT relating to absent voting.

HB 439, by Representative Ray: AN ACT providing for reorganizing State Government.

HB 440, by Representatives Ellis and Irick: AN ACT relating to rural telephone cooperative corporations.

HB 441, by Representative Ray: AN ACT relating to hazardous substances intended for household use.

HB 442, by Representatives Cole and Osborn: AN ACT relating to school attendance and 4-H Club Activities.

HB 443, by Representatives Ellis and Irick: AN ACT relating to emergency telephone communications.

HB 444, by Representatives Tanner, Cook, Hopkins, Barton, Hahn, Cornett, Hislope, Hinkle, Clark, Glen T. White, Faulkner, Hays, John E. White, Ford, Caudill, Nolan, Denham, Osborn, Albert C. Smith, Garner, Wood, Nolan, Dexter, Slusher, Lyon, Moorman, Crecelius, Edmunds, Ray and Ellis: AN ACT relating to conduct of public officials and employees.

HB 445, by Representatives Ray and Denham: AN ACT relating to amphetamine drugs.

HB 446, by Representatives Ray and Denham: AN ACT relating to foods, drugs, cosmetics and devices.

HB 447, by Representative Osborn: AN ACT relating to election challengers.

HB 448, by Representative Osborn: AN ACT relating to elections both regular and primary.

HB 449, by Representative Fitzpatrick: AN ACT relating to insurance companies.

HB 450, by Representative Fitzpatrick: AN ACT providing for the creation of an area planning commission in urbanized centers, prescribing its duties and powers, its method of creation and continued existence as a body politic, with power to levy a tax and to regulate and control the use of land, public improvements and utilities within its boundaries, etc.

HB 451, by Representative Cottengim: AN ACT relating to maintenance of roads.

HB 452, by Representative Cottengim: AN ACT relating to disposition of dead animals.

HB 453, by Representative Cottengim: AN ACT relating to diesel-powered vehicles.

HB 454, by Representatives Hislope, Griffin, Burress, Hall, Cornett, Render, Castle, John E. White, Hardwick, Earl Carter, Faulkner, Qualls and Rayburn: AN ACT relating to exemptions from the Veteran's Bonus Sales and Use Tax Law.

HB 455, by Representative Cook: AN ACT relating to planning and zoning.

HB 456, by Representatives Ray and Lowman: AN ACT relating to sewer construction districts.

HB 457, by Representative Colley, Robinson, Ben Martin, Castle, Stacy and Ray: AN ACT relating to workmen's compensation.

HR 84, by Representatives Burress, Spurrier, Cornett, Hays, Hislope, Clark, Castle, Faulkner, John E. White, Griffin, Hardwick, Earl Carter, Charles C. Carter, Qualls, Rayburn, Glen T. White, Cook, Garner, Render and Hall: A HOUSE RESOLUTION directing the Legislative Research Commission to determine the number of state employes affiliated with the Republican Party.

HR 87, by Representative Isler: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study of certain expenses incurred by citizens of the Commonwealth which are covered by the sales tax.

HR 88, by Representative Isler: A HOUSE RESOLUTION directing the Legislative Research Commission to make a complete study of the office of sheriff in the Commonwealth of Kentucky.

The Speaker vacated the Chair, and Representative Lyon presided.

Representative Lowman moved to adjourn until 1:00 P.M., March 3. Agreed.

FORTY-SEVENTH LEGISLATIVE DAY

THURSDAY, MARCH 3, 1960

The House was called to order by the Speaker.

Invocation by Reverend John C. Chenault of the First Christian Church of Frankfort. The roll was called. All present except Burress, Dean, Dexter, Faulkner, Griffin, Ftizpatrick, Hardwick, Hill, Martin (Ben), Miller, Neel, Parrish, Rausch, and Wood, who were granted leave of absence on motion of Representative Isler.

Reading of Journal for March 2, dispensed with and the same approved on motion of Representative Lyon.

Senate Message

Announcing passage of **HR 65, HB 42, HB 48, HB 50, HB 56** with Senate Amendment, **HB 117, HB 142** with Senate Amendment, **HB 183, HB 197, HB 199, HB 235, HB 236, HB 237, HB 238, SB 135, SB 182, SB 183, HB 184, SB 188, SB 198, SB 200, SB 202** and **SB 36.**

Representative Ray moved to amend **SB 82** as follows: "Amend printed copy of SB 82 on page 1, line 4 by changing one period to a semicolon and adding the following: "provided, however, that this does not authorize a sanitation district to provide sewer service within a city of the first class except with permission of the Board of Alderman of such city." Agreed.

Representative Ray moved that **SB 82** be placed upon its passage as amended. Agreed.

On the roll call, the vote was yeas 68—Barton, Bates, Baumgardner, Brizendine, Earl Carter, Castle, Caudill, Childress, Chumbler, Clark, Cole, Colley, Cook, Crecelius, Davis, Denham, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Ford, Garner, Hahn, Haley, Hall, Hampton, Hardin, Henry, Hinkle, Hislope, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Moorman, Fred Morgan, L. F. Morgan, Nichols, Nolan, Osborn, Ostertag, Osting, Peniston, Qualls, Quinn, Ray, Rayburn, Render, Robinson, Slusher, A. C. Smith, Virgil Smith, Stacy, Steiger, Stidham, Treas, Tucker, Wathen, G. T. White, J. E. White, Young. Nays 0. **SB 82** was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 82, SB 26** and **SB 106** had been examined and found correctly enrolled. **SB 82, SB 26** and **SB 106** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Governor.

Representative Lyon moved that the vote by which **HB 330** was rejected be reconsidered and that **HB 330** be sent to the Rules Committee. Agreed.

Motions, Petitions and Communications

Representative Brizendine moved to recess for fifteen minutes. Agreed.

The Speaker resumed the Chair.

Introduction of Resolutions

HR 94, by Representative Brizendine:

HR 94, A CONCURRENT RESOLUTION directing the estabment of a state park in Allen County.

WHEREAS, the United States Government is in the process of building a dam across Barren River between Allen and Barren Counties on the Big Barren River; and

WHEREAS, it is anticipated that when this dam shall have been completed the lake formed thereby will be very attractive to great numbers of tourists and sportsmen for the fishing and other sports and recreation; and

WHEREAS, the location of the dam and lake is ideal for the purpose of a state park with a hotel and other recreational facilities; and

WHEREAS, United States Highways 31 E, 231, and 68, and Kentucky Highway 101 all converge on the Allen County side of the Barren River Dam, which makes Allen County the more suitable and accessible location for a state park; and

WHEREAS, the lake created by the dam will cover a large part of Allen County, including good bottom land, and will cause a loss of tax revenue which Allen County can ill afford; and

WHEREAS, there is presently no state park located in Allen County;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Division of Parks in the Department of Conservation be, and it hereby is, authorized and directed to take all necessary steps to establish a state park in Allen County at the site of the lake now being formed by the construction of a dam by the United States Government.

Representative Brizendine moved the adoption of **HR 94.** Agreed.

HR 93, by Representative Colley:

HR 93, A RESOLUTION requesting the Department of Highways to erect additional signs on the public highways to inform the public of the distances and routes to Breaks Interstate Park.

WHEREAS, Breaks Interstate Park is a relatively new tourist attraction, and tourists are not yet familiar with the routes to the Park; and

WHEREAS, additional signs giving directions to the Park will be of assistance to tourists who wish to enjoy the spectacular scenery of Breaks Interstate Park;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Highways be, and it hereby is, requested to erect additional signs on the public highways to inform the public of the distances and routes to Breaks Interstate Park.

Section 2. That the Clerk of the House of Representatives be directed to forward copies of this Resolution to the Governor, the Commissioner of Highways, the Director of the Division of Parks, Mr. K. J. Day of Pikeville, Kentucky, Mr. Lon Rogers of Pikeville, Kentucky, and Mr. Goebel Newsome of Elkhorn City, Kentucky.

Representative Colley moved the adoption of **HR 93.** Agreed.

HR 96, by Representatives Dobyns, Colley, Hays, Robinson, Hardin, Cornett, Caudill, Stacy, Castle, C. C. Carter, Stidham, J. D. Smith, Hall, Clark, Irick, Ellis, L. F. Morgan, Qualls, Lowman.

HR 96, A CONCURRENT RESOLUTION relating to the Eastern Kentucky Regional Planning Commission.

WHEREAS, the citizens of Eastern Kentucky have joined themselves together in an organization known as the Eastern Kentucky Tourist Industries Council for the purpose of the development to the fullest potential of the tourist attractions and State Parks of the region by use of both private and public efforts, and

WHEREAS, there is such a tremendous need for such development because of the excellent potential for tourist attractions, scenic beauty, and recreation, which has gone undeveloped for an extensive period of time, and because such development will enable the area to excel in desirability and appeal for those who travel, and

WHEREAS, this region of our Commonwealth experiences a great difficulty in industrial development, because of natural difficulties in development of resources, transportation, and facilities because of its natural topography, this makes even more important the development of the tourist industry for the area to assist in its economic, sociological, and educational growth, and

WHEREAS, the Eastern Kentucky Tourist Industries Council has engaged in making an inventory of tourist developmental needs of both a private and public nature in the region, and has worked with various local committees to formulate proposals related to state park development in particular throughout the region, with these local proposals having been forwarded to the Eastern Kentucky Regional Planning Commission for consideration in formulation of the regional tourist development plan and program, and

WHEREAS, these proposals are to be transmitted for the Commission to the Kentucky Department of Parks for consideration;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Eastern Kentucky Tourist Industries Council be appropriately complimented on the excellent quality of its work and purposes concerning a region wide citizen-action program of development of public and private tourist travel attractions and facilities as a part of the comprehensive regional development program formulated by the Eastern Kentucky Regional Planning Commission.

Section 2. That the Department of Parks be requested to give careful consideration to the requests for public development of state parks in the region as outlined by the local committees and forwarded to the Commission on State Parks through the Eastern Kentucky Regional Planning Commission, in especial recognition of the unusual economic situation in this region and of the great economic influence which such development can have.

Representative Dobyns moved the adoption of **HR 96.** Agreed.

HR 91, by Representatives Hislope and Robinson:

HR 91, A RESOLUTION honoring Silvia Phelps, state winner, and Rebecca Ring, Sandra Hosay, Betty Lou Shipp, Phillis Hale, Edith Tallent, Martha Sue Wilson, and Tommy Chaffin, district winners of an essay contest on the future of education in Kentucky.

WHEREAS, honor, prestige and recognition have been bestowed upon Silvia Phelps, winner of the State essay contest sponsored by the State Chamber of Commerce; and

WHEREAS, honorable mention and distinction have come to the winners of the district essay contests; and

WHEREAS, not only the cities of Somerset, Louisville, Owensboro, Gilbertsville, Dayton, Winchester, Richmond and Cattletsburg, the home towns of these winners, have just reason to be proud, and the counties of Pulaski, Daviess, Marshall, Kenton, Clark, Jefferson, Madison and Boyd have good reason to rejoice, but all the people of the Commonwealth have reason to take pride; and

WHEREAS, the accomplishments of these winners represent the full measure of the best efforts of many; and

WHEREAS, this young lady and the other young ladies and the young gentlemen have not waited until the mantel of youth was discarded and torn, or their sable curls frosted over with white, but have proven their leadership and have taken great strides of accomplishment while yet young; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky has taken notice of the talents and abilities of the winners, and wishes to greet, salute and heartily commend their accomplishments;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when this House adjourns this day, it adjourns in honor of Silvia Phelps, state essay contest winner, and the winners of the district contests.

Section 2. That the Clerk of the House of Representatives be directed to forward a copy of this Resolution and a copy of the journal where this Resolution is entered.

Representative Hislope moved the adoption of **HR 91.** Agreed.

HR 92, by Representative Isler:

HR 92, A CONCURRENT RESOLUTION requesting the Congress of the United States to enact appropriate legislation under which state excise taxes on the production of distilled spirits would be credited, in an amount not exceeding $2 per gallon, against the Federal withdrawal tax on distilled spirits.

WHEREAS,

(1) Kentucky's largest industry is the distilling industry. More than 65% of distilled spirits produced in the United States is produced in Kentucky. Hence, the distilling industry should constitute a larger source of excise tax revenue for Kentucky.

(2) However, the Federal Government has imposed a $10.50 per gallon withdrawal tax on distilled spirits which is more than twelve times the production cost of a gallon of distilled spirits. No other product – neither Texas oil nor Oklahoma gas nor Michigan automobiles – bears a Federal tax twelve times its cost value. This

Federal tax has made it impractical for Kentucky to impose additional excise taxes on the production of distilled spirits. A recent study by the Kentucky Department of Revenue shows that even a small increase in Kentucky's present excise tax would have serious effects upon the distilled spirits industry in Kentucky.

(3) This situation is unfair. It represents a discrimination against Kentucky which has hindered progress, especially in the field of public education.

(4) No other state suffers from the Federal tax on distilled spirits as does Kentucky because the industry is not as concentrated in any other state.

(5) If Kentucky could impose a production tax of up to $2 per gallon on distilled spirits the tax would supplement general revenues to the point where Kentucky could confidently expect to rise to a position of equality among her sister states in the fields of education and public welfare.

(6) The Congress of the United States could, and should, partially correct this unfair and inequitable discrimination against Kentucky by treating state excise taxes on the production of distilled spirits, in an amount not exceeding $2 per gallon, as a credit against the Federal withdrawal tax. This would create no new precedent because many times – as in the case of the Federal Estate Tax –the Congress has permitted state taxes to be credited against Federal taxes in order to prevent inequities.

(7) This Assembly believes that this situation arose and continues because Congress has not been cognizant of its existence, and that a fully informed Congress will correct it.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

That the Congress of the United States be, and it hereby is, requested to enact appropriate legislation under which state excise taxes on the production of distilled spirits will be credited, in an amount not exceeding $2 per gallon against the Federal withdrawal tax on distilled spirits.

Representative Isler moved the adoption of **HR 92.** Agreed.

The Speaker vacated the Chair, and Representative Roberts presided.

Orders of the Day

Representative Ray moved to concur in the following Senate Amendment on **HB 56:** "Amend the title that **HB 56** be known as the Kelley-Jackson-Conley Act." Agreed.

Representative Ray moved to concur in the following Senate Amendment on **HB 142**: Amend printed copy of HB 142 on page 2 by deleting line 23 and add a line to read as follows: exceed 15 dollars per day for attendance upon one hearing."

On roll call, the vote was yeas 67—Alexander, Bates, Baumgardner, Brizendine, Buckman, C. C. Carter, Childress, Chumbler, Clark, Cole, Cook, Cottengim, Cowherd, Crecelius, Davis, Denham, Dobyns, Dowell, Edmunds, Ellis, Farmer, Fern, Fields, Ford, Hahn, Haley, Hall, Hampton, Hardin, Henry, Hinkle, Hopkins, Irick, Isler, Lankford, Lovins, Lyon, C. H. Martin, Miles, Moloney, Moorman, Fred Morgan, L. F. Morgan, Murphy, Neel, Nichols, Ostertag, Osting, Qualls, Quinn, Ray, Rayburn, Render, Robinson, Slusher, J. D. Smith, Virgil Smith, Spurrier, Stacy, Steiger, Tanner, Tucker, Wathen, G. T. White, J. E. White, Young. Nays 1 – Penniston. **HB 142** was passed and the title agreed to.

Representative Ray moved to recommit **HB 250.** Agreed.

Report of Committee

Committee on Rules reported **SB 137** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 137, AN ACT relating to planning and zoning in cities of the first class and in counties containing such cities, amending KRS 100.052, 100.055 and 100.056.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 100.052 is amended to read as follows:

(1) After the original master plan, or part or parts thereof, as the case may be, has been adopted as provided in KRS 100.047 to 100.051, all adjustments therein or thereto shall become effective only by and through the approval of such proposed adjustments by the legislative body of such city or fiscal court of such county, or both, as the case may be, or by the commission if and when authorized to do so by said fiscal court or said legislative body, or both, as the case may be, and by recording same in the office of the clerk of the county court of such county. After any such proposed adjustment has been approved, the master plan, or part or parts thereof, as the case may be, shall be deemed to be and be the plan, or part or parts thereof, as the case may be, as so adjusted. Said master plan and said adjustments, when approved as provided in KRS 100.047 to 100.058, shall not be subject to attack in any court in such county inferior to the circuit court thereof.

(2) The commission may itself propose, or any person, firm, corporation, or any governmental agency, board or body, may propose

adjustments in or to the master plan, or part or parts thereof, as the case may be, which proposals shall be approved or disapproved in the manner authorized by subsection (1) of this section.

Section 2. KRS 100.055 is amended to read as follows:

(1) If and when said fiscal court or said legislative body, or both, as the case may be, authorizes the commission to approve or disapprove proposed adjustments in or to the master plan, or part or parts thereof, as the case may be, the approval or disapproval by the commission shall be in the manner provided in KRS 100.056 to 100.058.

(2) In approving or disapproving any proposed adjustment in or to the master plan, or part or parts thereof, the commission shall be guided and governed by the purposes and provisions of KRS 100.031 to 100.097, and its action shall be particularly in accordance with the provisions and purposes set forth in KRS 100.044 to 100.051, to the end that said master plan, or part or parts thereof, as the case may be, as so adjusted shall accomplish a coordinated and harmonious development of the incorporated and unincorporated area of the entire county.

(3) If the proposed adjustment is finally approved by the commission, it shall be recorded as provided in KRS 100.052. If it is finally disapproved by the commission, the proposed adjustment shall not be recorded and shall have no force or effect.

Section 3. KRS 100.056 is amended to read as follows:

If the commission is authorized by said fiscal court or said legislative body, or both, as the case may be, to approve such proposed adjustment or adjustments:

(1) The commission, within ninety days after the hearing provided for in KRS 100.053, shall either approve or revise or disapprove such proposal or proposals.

(2) If the commission revises same, it shall hold a hearing on such proposal as revised, and give notice therof, in the same manner as provided for the original hearing. And such procedure shall be continued until the commission has made no further revision thereof, subsequent to the last hearing thereon.

(3) When the commission has finally approved such proposed adjustment, as submitted or revised, or has disapproved such proposed adjustment, it shall immediately notify in writing all parties of record in such proceedings of its action or decision.

Section 4. Inasmuch as there is an immediate need for the amendments proposed herein, an emergency is hereby declared to exist and this Act shall be effective immediately upon its passage and approval by the Governor.

Committee on Rules reported **HB 135** with the expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 135, AN ACT relating to sanitation districts taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 220 of the Kentucky Revised Statutes is created to read as follows:

The sheriff shall be entitled to a fee of five percent of the amount of sanitation district taxes collected by him.

Committee on Rules reported **SB 173, HB 267, HB 334, HB 370, HB 375, HB 376, HB 389, HB 407, HB 429, HB 431, HB 434, HB 438, HB 439, HB 441, HB 445, HB 446, HB 455, HB 456, HB 451** and **HB 457** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 173, AN ACT relating to the Judicial Department of the State Government; including provisions for judicial administration; financial administration; and facilities of the Court of Appeals; compensation of Commissioners; and a retirement system for Judges and Commissioners of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Sec. 1. An Administrative Office of the Courts is created, to be headed by a Director who shall be appointed by and hold office during the pleasure of the Court of Appeals, which court also may appoint necessary employes of the office. The salaries of the Director and employes shall be fixed by order of the Court of Appeals and paid monthly out of the State Treasury. While holding their positions neither the Director nor any employe of the office shall practice law in any court of this Commonwealth.

Sec. 2. The Director, under the supervision and direction of the Court of Appeals, shall:

(1) Perform administrative services for the Court of Appeals and supervise its clerical and administrative personnel, and its accommodations.

(2) Act as fiscal officer of the courts and in so doing shall:

(a) Maintain fiscal controls and accounts of funds appropriated for the Court of Appeals.

(b) Prepare all requisitions for the payment of state moneys appropriated for the maintenance and operation of the judicial system.

(c) Prepare budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto.

(d) Collect statistical and other data and make reports to the Court of Appeals relating to the expenditure of public moneys, both state and local, for the maintenance and operation of the judicial system and the offices connected therewith.

(3) Maintain suitable records of the assignment and disposition of matters submitted to the Court of Appeals, and of opinions and orders.

(4) Process motions in the Court of Appeals for expeditious disposition.

(5) Ascertain the necessity of assignment of special circuit judges, make reports concerning the performance of duties by special circuit judges, and certify the compensation and expenses payable to special circuit judges.

(6) Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the state judicial system.

(7) Collect and compile statistical and other data concerning the operations of the courts, and to this end may require all necessary reports from the courts and clerks thereof of this Commonwealth relating to rules, dockets, and business dispatched or pending in such courts. Clerks of courts shall make to the Director any reports required by him and shall receive fifty cents for each page reported, to be paid as an expense of the Administrative Office.

(8) Act as secretary of the Judicial Council and the Judicial Conference.

(9) Attend to such other matters as may be assigned by the Court of Appeals.

(10) Formulate and submit to the Court of Appeals recommendations of policies for the improvement of the judicial system.

Sec. 3. Section 22.080 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the Judicial Council to:

(1) Receive and consider suggestions from judges, public officers, members of the Bar and others, and hold public hearings in its discretion, on matters relating to improvement in the administration of justice.

(2) Devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in judicial administration.

(3) Submit from time to time to the courts and judges of this Commonwealth, either upon request or on its own motion, such

recommendations as it may deem advisable for changes in rules, procedure, methods of administration, or other matters pertaining to the judicial system.

(4) Report annually before November 1 to the Judicial Conference and the Court of Appeals on the conditions of business in the courts, with recommendations concerning any needed changes in the organization of the judicial department, judicial procedure and the general improvement in the administration of justice.

(5) Report biennially to the General Assembly concerning the work of the various branches of the judicial system in Kentucky, and make such recommendations for the improvement in judicial administration, practice and procedure as it deems necessary and proper.

Sec. 4. Section 21.220 and subsection (2) of Section 22.100 of the Kentucky Revised Statutes are repealed.

Sec. 5. The appropriations made to the Judicial Council for the fiscal years 1960-61 and 1961-62 hereby are transferred and added to the appropriations for the Court of Appeals for said years. The necessary expenses of the Judicial Council and the Judicial Conference, as authorized by KRS Chapter 22, shall be paid out of the amounts so transferred upon the approval of the Director of the Administrative Office.

Sec. 6. On the first day of each fiscal year, the entire amount appropriated for the year for normal recurring operating costs of the Court of Appeals, including salaries, shall be placed to the credit of an expenditure account in the office of the State Treasurer, and expenditures shall be made therefrom by the State Treasurer solely upon order of the Court of Appeals, without other warrant or authorization. None of the provisions of KRS Chapters 41, 42 and 45, nor of Part IV of the General Appropriation Act, shall apply to the expenditure of appropriations for the Court of Appeals.

Sec. 7. The Court of Appeals shall have sole direction of the rendering of custodial and housekeeping services for the court rooms and offices of the court, and may employ personnel and secure supplies and equipment for that purpose. The Commissioner of Finance shall have authority to transfer funds for this purpose for any fiscal year to the Court of Appeals expenditure account referred to in Section 6 of this Article, from the amount appropriated for that year to the Division of Services of the Department of Finance.

ARTICLE II.

Sec. 1. Section 64.496 of the Kentucky Revised Statutes is amended to read as follows:

The compensation of Judges of the Court of Appeals, payable out of the State Treasury, shall be $12,000 per annum for each judge. The compensation of Commissioners of the Court of Appeals appointed pursuant to subsection (1) of KRS 21.150 shall be $11,500 per annum for each Commissioner, payable out of the State Treasury.

ARTICLE III.

Sec. 1. There hereby is created a retirement system for Judges and Commissioners of the Court of Appeals. Each Judge and Commissioner in office on July 1, 1960, except as provided in Section 17 of this Article, and each Judge and Commissioner thereafter taking office, may acquire membership in the System in accordance with the provisions of Section 2 of this Article.

Sec. 2. Each Judge and Commissioner in office on July 1, 1960, may within 30 days after that date, and any Judge or Commissioner thereafter taking office may within 30 days after taking office, elect to make monthly contributions to the retirement system in an amount equal to three percent of his monthly official salary. The election shall be effective to establish membership in the system as of July 1, 1960, or as of the date the Judge or Commissioner took office, as the case may be. The election shall be addressed to and filed with the Commissioner of Finance, and shall constitute an authorization by the member, to the Commissioner of Finance, to thereafter cause to be deducted from the member's official salary, each month, an amount equal to three percent of the monthly salary, as a voluntary contribution by the member towards the funding of the retirement system. Such election, upon being made, shall operate to create an inviolable contract between such member and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for under the terms and conditions of this Article.

Sec. 3. Except as provided in subsection (2) of Section 7 of this Article and in subsection (2) of Section 8 of this Article, no benefits shall be payable under this Article to any Judge or Commissioner, or to his widow or children, unless he has completed at least eight years of service as a Judge or Commissioner of the Court of Appeals or in one and then the other of those capacities.

Sec. 4. The normal retirement date or age of a member shall be his seventieth birthday, except that in the case of a member who was over 60 years of age when he took office as a Judge or Commissioner the normal retirement date or age shall be the tenth anniversary of his becoming a member. This Article, however, does not require that a member retire at the normal retirement date.

Sec. 5. For the purposes of this Artcle, "retirement" means a voluntary resignation or a failure of reelection, but does not include a removal for cause.

Sec. 6. (1) A member who retires on or after his normal retirement date shall receive a service retirement allowance, payable monthly during his lifetime, in an amount per month equal to five percent of his final compensation multiplied by the number of years of service as a Judge or Commissioner of the Court of Appeals (including service before becoming a member of the system), but in no event to exceed 100 percent of final compensation. For this purpose, "final compensation" means the average monthly compensation of the member for the 60 months of service as a Judge or Commissioner immediately preceding his retirement.

(2) A member who retires before his normal retirement date shall be vested with the right to receive, when he reaches his normal retirement age, a service retirement allowance computed and payable in accordance with the provisions of subsection (1) of this section, on the basis of the number of years of his actual service as a Judge or Commissioner.

(3) In lieu of the right provided for in subsection (2) of this section, a member who retires before his normal retirement age may elect, at any time before reaching his normal retirement age, to be paid commencing as of the time of the election a monthly service retirement allowance equal in amount to the monthly allowance that would have become payable under subsection (2) of this section when he reached his normal retirement age, reduced actuarially in accordance with his actual age at the time the election is made. Provided, further, that an elected Judge who retires at the expiration of his term of office after having served a minimum of ten years as Judge and who is over the age of 65 at the time of retirement shall have the option of commencing to receive at once a monthly service retirement allowance equal to the monthly allowance that would have become payable under subsection (2) of this section when he reached his normal retirement age.

Sec. 7. (1) If upon examination of a member under his normal retirement age by one or more qualified physicians employed by the Retirement Board, it is certified to the satisfaction of the Board that such member is so physically or mentally disabled as to be incapacitated for further performance of duty, and that such incapacity is likely to be permanent, the member may retire for disability. A member who so retires shall be entitled to receive commencing immediately a disability retirement allowance, payable monthly during his disability, in an amount equal to one-half of the monthly service retirement allowance he would have received commencing at his normal retirement date if he had continued in service until that date and had then retired, computed however on the basis of his final compensation at time of actual retirement.

(2) A member need not have completed eight years of service in order to be eligible for benefits under subsection (1) of this section.

(3) The Retirement Board shall cause a member who has been retired for disability and who is still under his normal retirement age to undergo periodic examination by one or more qualified physicians employed by the board, to determine whether he continues to be incapacitated for service of the character required of a Judge or Commissioner. If upon any such examination it is certified to the satisfaction of the board that the member is no longer so incapacitated, or if the member refuses to submit to examination, the board shall terminate his disability retirement allowance. He shall then be entitled to such rights, if any, under subsection (2) or (3) of Section 6 of this Article as he would have been entitled to had he voluntarily retired on the date he was retired for disability.

(4) Upon reaching his normal retirement age, a member who has been receiving a disability retirement allowance may apply for and receive, in lieu thereof, the service retirement allowance he would have been entitled to receive at normal retirement age had he voluntarily retired on the date he was retired for disability.

Sec. 8. (1) After the death of a member who at the time of his death was receiving a service retirement allowance (other than an actuarially reduced allowance under subsection (3) of Section 6 of this Article), or was receiving a disabilty retirement allowance, his widow is entitled to receive during her lifetime a monthly allowance equal to one-half of that he was receiving.

(2) (a) If a member dies before retirement and before reaching normal retirement age, without regard to length of service, his widow is entitled to receive during her lifetime a monthly allowance equal to one-half of the monthly allowance the member would have received commencng at his normal retirement date if he had continued in service until that date and had then retired, computed however on the basis of his final compensation at time of death.

(b) If a member dies before retirement and after reaching normal retirement age, his widow is entitled to receive during her lifetime a monthly allowance equal to one-half of the monthly allowance the member whould have been entitled to, on the basis of his years of service, had he retired on the date of his death.

(3) If a member dies after retirement and was at the time of his death receiving an actuarially reduced allowance under subsection (3) of Section 6 of this Article, or was not at the time of his death receiving a retirement allowance but had acquired the vested right under subsection (2) of Section 6 of this Article to have received an allowance upon reaching normal retirement age, his widow is entitled to receive during her lifetime a monthly allowance equal to one-half of the monthly allowance the member would have received when he reached normal retirement age.

(4) In any circumstance in which a widow would be entitled

to an allowance under this section, but there is no widow or the widow subsequently dies, and there is a surviving child or children of the member under the age of 18, a monthly allowance equal to three-fourth of the monthly allowance that the widow would have received shall be paid to the representative of such child or children until the youngest child reaches the age of 18.

Sec. 9. A Judicial Retirement Board is created to consist of five members, three of whom shall be appointed by the Court of Appeals and two by the Governor. The Appointments by the Court of Appeals may be from among the Judges and Commisisoners of the Court of Appeals. The members shall serve for terms of four years, commencing as of the effective date of this Act, and until their successors are appointed and have qualified. The members shall annually elect a chairman. They shall serve without compensation. Vacancies shall be filled by the original appointing authority, for the unexpired term.

Sec. 10. The Judicial Retirement Board shall:

(1) Be charged with the administration of this Article, and for that purpose may make reasonable rules and regulations.

(2) Provide for the funding of the benefits provided for by this Article, including the adoption of actuarial methods and assumptions upon the advice of a competent actuary who may be employed for that purpose.

(3) Pass upon questions of eligibility, and maintain suitable records for that purpose.

(4) Pass upon questions of disability, and employ examining physicians for that purpose.

Sec. 11. The benefits provided by this Article to be paid shall be funded through contract with a reputable life insurance company authorized to do business in this state, or through investment and reinvestment of funds in securities which, at the time of making the investment, are by law permitted for the investment of funds by fiduciaries in this state, or through a combination of such methods. To the extent that funding is provided through insurance contract no contributions, payments or premiums shall be subject to any tax on insurance premiums or annuity considerations. The Judicial Retirement Board shall be trustee of any and all funds contributed or appropriated to the retirement system, and shall have sole authority to make insurance contracts or investments. The State Treasurer shall be the custodian of the cash and securities of the system, and shall be responsible on his official bond therefor.

Sec. 12. If any member of the system ceases to be a Judge or Commissioner of the Court of Appeals, other than by death or by disability retirement under Section 7 of this Article, without having completed eight years of service, he shall be refunded, on demand, the amount of his accumulated contributions.

Sec. 13. All retirement allowances and other benefits accrued or accruing to any person under the provisions of this Article are hereby exempted from any state, county or municipal tax, and shall not be subject to execution, attachment, garnishment or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

Sec. 14. It is hereby declared that in consideration of the contributions by the members, and in further consideration of benefits received by the state through the inducement of qualified and experienced Judges and Commissioners to continue in service, this Article shall constitute an inviolable contract of the Commonwealth, and the rights and benefits provided therein shall not be subject to reduction or impairment by alteration, amendment or repeal.

Sec. 15. Except as provided in Section 17 of this Article, any existing membership of Judges and Commissioners of the Court of Appeals in the Kentucky Employees Retirement System provided for in KRS 61.510 to 61.700 shall terminate as of July 1, 1960, and the amounts of their accumulated contributions shall be refunded. Thereafter no Judge or Commissioner of the Court of Appeals shall have membership in the Kentucky Employees Retirement System.

Sec. 16. KRS 21.151 and subsection (2) of KRS 21.150 are repealed.

Sec. 17. This Article shall not apply to any Judge or Commissioner of the Court of Appeals who is more than 70 years of age on July 1, 1960. Such Judge or Commissioner shall continue to be governed by the provisions of KRS 61.510 to 61.700. The Court of Appeals shall provide for such additional retirement benefits with respect to such Judge or Commissioner, as will make the total benefits the equivalent of those that would have been received under the provisions of this Article.

Sec. 18. For the purposes of this Article there is appropriated to the Judicial Retirement Board all sums received from contributions of members of the retirement system created by this Article. There further is appropriated, out of the General Expenditure Fund in the State Treasury, the sum of $53,600 for the fiscal year 1960-61 and the sum of $73,600 for the fiscal year 1961-62. The amount of accumulated state employer contributions to the Kentucky Employees Retirement System, on account of Judges and Commissioners of the Court of Appeals having been members of that system, also is hereby transferred to the Judicial Retirement Board. All sums appropriated or transferred to the Judicial Retirement Board shall be deemed to constitute a continuing fund which shall not lapse at the end of any fiscal year.

ARTICLE IV.

Sec. 1. This Act shall become effective on July 1, 1960, except as to Sections 9, 10 and 11 of Article III, which shall become effective on the regular effective date for Acts of the 1960 General Assembly.

HB 267, AN ACT relating to beauty culture, including, but not exclusively, barbering, cosmetology, hairdressing, and the grooming of the upper extremities of the human body for cosmetic purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) A "barber" is any person who engages in the practice of "barbering" for the public generally or for consideration.

(2) "Barbering" is the practice upon the human neck and head, principally of shaving or trimming the beard or cutting the hair but includes also

(a) giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance,

(b) singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics,

(c) applying to the neck or head cosmetics, lotions, powders, oils, clays or other preparations.

(3) A "cosmetologist" is a person who engages in the practice of "cosmetology" for the public generally or for consideration, regardless of the name under which the practice is conducted.

(4) The practice of "cosmetology" is the practice upon the human neck and head, principally of the human female, of cutting hair, permanent waving, hairdressing, marcelling but may also include:

(a) manicuring, finger waving,

(b) giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance,

(c) singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics,

(d) applying to neck or head cosmetics, lotions, powders, oils, clays or other preparations.

(5) "Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration.

(6) "Beauty shop" is an establishment of whatsoever kind in which the practice of "cosmetology" is conducted for the general public or for consideration.

(7) "Manicurist" is a person who engages only in the practice of cutting, trimming, polishing, coloring, cleansing, or manicuring the nails or massaging, cleaning, treating or beautifying the hands of any human, for which a license is requested by this act.

(8) "Board" means The Kentucky Board of Barbering or The Kentucky Board of Hairdressers and Cosmetologists, whichever meaning is indicated or required by the context.

(9) "Barber School" or "School of Barbering" means an operation, place or establishment of whatsoever kind of form in or through which persons are trained or taught the practice of barbering.

(10) "Cosmetology School" or "School of Cosmetology" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of cosmetology.

(11) "Barber Board" means The Kentucky Board of Barbering.

(12) "Cosmetologist Board" means The Kentucky Board of Hairdressers and Cosmetologists.

Section 2. (1) No person shall engage in the practice of "barbering" or "cosmetology" for other than cosmetic purposes nor shall any person engage in barbering or the practice of cosmetology for the treatment of physical or mental ailments, except that the provisions of this act shall not apply to:

(a) persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing or embalming when incidental practices of barbering or cosmetology are performed by them in the normal course of the practice of their profession.

(b) commissioned medical or surgical personnel of the United States Army, Navy, Air Force or Marine Hospital Service performing incidental practices of barbering or cosmetology in the course of their duties.

(2) Except as provided in subsection (1) of this section no person shall engage in the practice of barbering or cosmetology for the public generally or for consideration without the appropriate license required by this act.

(3) No person unless duly and properly licensed pursuant to this act shall:

(a) teach barbering or cosmetology,

(b) operate a barber shop or beauty shop,

(c) engage in a barber apprenticeship or cosmetology apprenticeship,

(d) act as a manicurist,

(e) conduct or operate a school for barbers or school for cosmetologists.

(4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person for the performance of any practice licensed by this act unless the person to perform such practice holds and displays the appropriate license therefor.

(5) Whenever a person engages in different practices separately licensed by the provision of this act, such person shall procure a separate license for each of the practices so licensed.

Section 3. (1) There is hereby created an independent agency of the State Government to be known as The Kentucky Board of Barbering, which shall have complete supervision over the administration of the provisions of this act relating to barbers, barbering, barbershops, barber schools, the teaching of barbering and barber apprenticeship.

(2) The Kentucky Board of Barbering hereinafter referred to as the Barber Board or Board shall be composed of three members who are barbers licensed to practice barbering in this state, appointed by the Governor. One member shall be a master barber who is a member of a nationally recognized professional organization of master barbers and who is not otherwise a member of a union of barbers, a second and different member shall be a barber who is a member of an organized labor union of barbers, a third and different member shall be a barber who is not a member of a union or labor organization of barbers. At all times in the filling of vacancies of membership on the Barber Board, this balance of representation shall be maintained.

(3) On July 1, 1960, the Governor shall appoint 3 persons to the Barber Board, one of whom shall serve a term of 1 year, another a term of 2 years, and another a term of 3 years, the term of each appointee to be determined by lot. Thereafter, upon expiration of the term of any member, the appointment shall be for a term of two years.

(4) The Governor shall not remove any member of the Barber Board except for cause.

(5) The Barber Board shall elect from its members one to serve as chairman, one to serve as vice chairman, and a third to serve as secretary.

(6) Two members shall constitute a quorum for the transaction of business.

(7) In addition to the other qualifications specified in this section, members of the Barber Board shall be at least 23 years of age, citizens of the United States, residents of Kentucky and must have

engaged in the practice of barbering in this state for a period of at least five years.

(8) No member of the Barber Board shall be financially interested in, or have any financial connection with any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering cosmetology or manicuring for monetary consideration.

(9) Each member of the Barber Board shall serve full time and shall receive a compensation of $6,000 per annum and shall be reimbursed for necessary traveling expenses.

(10) The board shall hold such meetings at such place in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 4. (1) To protect the health and safety of the public or to protect the public against misrepresentation, deceit or fraud in the practice or teaching of barbering, the barber board shall prescribe reasonable rules and regulations:

(a) governing the location and housing of barber shops or schools,

(b) governing the quantity and quality of equipment, supplies, materials, records and furnishings required in barber shops or schools,

(c) governing the training and supervision of barber apprentices,

(d) governing the qualifications of teachers of barbering,

(e) governing the hours and courses of instruction at barber schools,

(f) governing the examinations of applicants for barber, apprentice barber or teacher of barbering.

(2) Regulations pertaining to health and sanitation shall be approved by the Kentucky State Board of Health before becoming effective.

Section 5. (1) The barber board shall issue a license to practice barbering to any person who:

(a) is at least 18 years of age.

(b) is of good moral character and temperate habit,

(c) has acted as a licensed apprentice for at least eighteen months under the immediate supervision of a licensed barber,

(d) has satisfactorily passed the Examination prescribed by the Barber Board,

(e) has paid a fee of fifteen dollars.

(2) The barber board shall issue a license to act as apprentice to a barber to any person who:

(a) is at least 16½ years of age,

(b) is of good moral character and temperate habit,

(c) has at least four years of high school education,

(d) has graduated from an accredited or licensed school of barbering,
(e) has satisfactorily passed the examination prescribed by the barber board, and
(f) has paid a fee of five dollars.

(3) The barber board shall issue a license to operate a barber shop to any barber licensed under the provisions of this act upon application of such barber accompanied by a fee of three dollars provided that the barber board shall refuse to issue such a license upon a failure to comply with the provisions of this act or the rules and regulations of the board adopted pursuant thereto.

(4) The barber board shall issue a license to operate a school of barbering to any person, firm or corporation who or which:
(a) applies therefor upon forms furnished by the board,
(b) has the equipment and facilities which may be required by rules and regulations of the board adopted pursuant to this act,
(c) furnishes any evidence deemed necessary by the board in the exercise of a sound discretion that it is the purpose of the applicant to establish a bona fide school for the education and training of competent barbers and can and will employ a sufficient number of licensed teachers of barbering to conduct such school,
(d) pays a fee of fifty dollars.

(5) The barber board shall issue a license to teach barbering to any person who:
(a) is of good moral character and temperate habit,
(b) has a high school education and at least two years of college,
(c) has been a licensed and practicing barber for at least thirty-six months,
(d) has satisfactorily passed the examination prescribed by the board, and
(e) has paid a fee of ten dollars.

(6) Applications for examinations required in this section shall be accompanied by an examining fee as follows:
(a) barber—fifteen dollars
(b) apprentice to a barber—ten dollars
(c) teaching barbering—twenty five dollars.

(7) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within thirty-one days after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this act and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant

for renewal is in compliance with the provisions of this act and the rules and regulations of the board adopted pursuant thereto.

(8) The annual renewal license fee for each type of license renewal shall be as follows:
(a) barber—five dollars;
(b) apprentice to barber—five dollars;
(c) teacher of barbering—ten dollars;
(d) barber shop—three dollars;
(e) barber school—twenty-five dollars.

(9) Except as provided in subsection (7) of this section, the fee for the renewal of an expired license, where the period of expiration does not exceed five years, shall be as follows:
(a) barber—twenty-five dollars;
(b) apprentice—twenty-five dollars;
(c) barber shop—three dollars;
(d) barber school—fifty dollars;
(e) teacher of barbering—fifty dollars.

Section 6 (1) The barber board shall hold hearings upon the request of any person directly affected by the board's decision to refuse to renew a license or to deny or revoke a license and no license renewal shall be denied nor shall a license be revoked unless the board in advance shall have given the licensee twenty days written notice of the revocation or refusal to renew stating the grounds therefor.

(2) Hearings conducted by the board shall afford reasonable opportunity for the complainant to be present and repesented by counsel, to examine and to cross examine any witness and produce any competent and relevant proof though the board need not follow strict rules of evidence in the conduct of such hearings.

(3) Rulings of the barber board as a result of any hearing may be appealed to the Franklin Circuit Court by filing with said court a certified copy of the ruling or order of the board. The court shall not set aside any ruling or order of the barber board if there was any competent evidence before the board to justify the ruling or order.

(4) The board is authorized to issue subpoenas for the attendance of witnesses and the production of such records and documents as may be reasonably necessary in the conduct of any hearing.

Section 7. (1) The barber board may employ such personnel as may be reasonably necessary to carry out the provisions of this act, whose compensation shall be established by the department of Personnel.

(2) The barber board shall prescribe the duties of such personnel employed by it.

(3) The barber board shall publish and distribute copies of its

rules and regulations and revisions thereof to all persons licensed by it and to such other persons, places or agencies as may be required by law or deemed by it reasonably necessary in the administration of the provisions of this act, but such publications shall be clearly stamped, marked or printed "Informational Copy".

Section 8. (1) All fees and charges collected by the barber board shall be paid into the General Fund in the State Treasury and credited to a separate Revolving or Trust Agency Fund Account established for the Kentucky Board of Barbering. The cost and expenses of administering the provisions of this act relating to barbers, barbering, barber shops, barber schools, the teaching of barbering and barber apprenticeship, including compensation to members of the barber board, and its officers and employees, shall be paid out of the General Fund in the State Treasury upon warrants of the Commissioner of Finance according to law provided that the total expense of administering these provisions shall not exceed the fees and other charges collcted by the barber board.

(2) All fees and charges collected by the barber board shall be available for the administration of the provisions of this Act relating to barbers, barbering, barber shops, barber schools, the teaching of barbering and barber apprenticeship, and for no other purpose.

Section 9. (1) There is hereby created an independent agency of the state government to be known as the Kentucky Board of Hairdressers and Cosmetologists, hereinatfer referred to as the cosmetologists board, which shall have complete supervision over the administration of the provisions of this act relating to cosmetology, cosmetologists, schools of cosmetology, manicurists, teachers of cosmetology, and beauty shops.

(2) The cosmetology board shall be composed of three members:

(a) all of whom shall have been cosmetologists five years prior to their appointment, residents of Kentucky,

(b) one of whom shall be a beauty shop owner, and

(c) one of whom shall not own any interest in a beauty shop, and

(d) one of whom shall be a member of a Nationally recognized Association of Hair Dressers and Cosmetology.

At all times in the filling of vacancies of membership on the board this balance of representation shall be maintained.

(3) On July 1, 1960, the Governor shall appoint three persons to the board, one of whom shall serve a term of one year, another a term of two years, and another a term of three years, the term of each appointee to be determined by lot. Thereafter, upon expiration of the term of any member, the appointment shall be for a term of two years.

(4) The Governor shall not remove any member of the board except for cause.

(5) The board shall elect from its members one to serve as chairman, one as vice chairman, and a third to serve as secretary.

(6) Two members shall constitute a quorum for the transaction of any business of the board.

(7) Each member of the board shall receive a compensation of, $3,000 per annum and shall be reimbursed for necessary traveling expenses.

(8) The board shall hold such meetings at such place in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 10. (1) The cosmetologist board may employ inspectors and such other personnel as may be reasonably necessary to carry out the provisions of this act, whose compensation shall be established within budgetary limits by the Department of Personnel.

(2) The cosmetologist board shall employ and prescribe the duties of an administrator who shall be charged with the responsibility of administering the provisions of this act, and the policies and regulations of the board relating to cosmetology.

(3) No person shall be employed as an administrator unless he is a college graduate with a major in political science or public administration.

(4) The administrator may receive a salary of $7,500 per annum or such compensation as may be established by classification of the position by the Department of Personnel.

(5) The cosmetologist board shall publish and distribute copies of its rules and regulations and revisions thereof to all persons licensed by it and to such other persons places or agencies as may be required by law or deemed by it reasonably necessary to the administration of the provisions of this act, but such publications shall be clearly marked, stamped or printed "Informational Copy".

Section 11. (1) The cosmetologists board shall issue a license to act as a manicurist to any person who:

(a) is at least 16½ years of age,

(b) is of good moral character and temperate habit,

(c) has completed satisfactorily a manicuring course of study of three hundred hours in an accredited school of cosmetology, and

(d) has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a manicurist.

(2) The cosmetologists board shall issue a beauty specialist license to any person who:

(a) has at least two years high school education, or its equivalent,

(b) is at least eighteen years of age,

(c) has practiced as a licensed cosmetology apprentice for at least twelve months under the immediate supervision of a licensed cosmetologist,

(d) has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology, and

(e) has paid a fee of eight dollars.

(3) The cosmetologists board shall issue a license to operate a school of cosmetology to any person, firm or corporation who or which

(a) has such equipment, supplies and facilities as may be required by rules and regulations of the board;

(b) has furnished evidence or proof deemed necessary by the board in the exercise of a sound discretion that it is the purpose of the applicant to establish a bona-fide school for the education and training of competent cosmetologists and will employ a sufficient number of licensed teachers of cosmetology to conduct such school;

(c) complies with the rules and regulations of the board regarding courses, curriculum, hours of instructions;

(d) otherwise complies with this act.

(4) The cosmetologists board shall issue license to operate a beauty shop to any licensed cosmetologist upon application of such cosmetologist accompanied by a fee of three dollars provided that the board may refuse to issue such a license upon a failure to comply with the provisions of this act or the rules and regulations of the board adopted pursuant thereto.

(5) The cosmetologists board shall issue an apprentice cosmetologist license to any person who:

(a) is at least 16½ years of age,

(b) is of good moral character and temperate habit,

(c) has at least two years high school education or its equivalent,

(d) has graduated from an accredited school of cosmetology,

(e) has passed an examination prescribed by the board to determine fitness to practice as an apprentice beauty specialist, and

(f) has paid a fee of three dollars.

(6) The cosmetologists board shall issue a license to teach cosmetology to any person who:

(a) is of good moral character and temperate habit,

(b) has a high school education and at least two years of college,

(c) has been a licensed and practicing beauty specialist for at least twelve months,

(d) has satisfactorily passed the examination prescribed by the board, and

(e) has paid a fee of ten dollars.

(7) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issue but the board shall renew any license so expiring at no increased renewal fee if the

required annual renewal license fee is paid within thirty-one days after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this act and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant for a renewal is in compliance with the provisions of this act and the rules and regulations of the board adopted pursuant thereto.

(8) The annual renewal license fee for each type of license renewal shall be as follows:

(a) cosmetologist–five dollars;
(b) apprentice cosmetologist–five dollars;
(c) teacher of cosmetology–ten dollars;
(d) beauty shop–three dollars;
(e) cosmetology school–twenty-five dollars;
(f) manicurist–three dollars.

(9) Applications for examinations required by this section shall be accompanied by an examining fee as follows:

(a) cosmetologist–fifteen dollars;
(b) apprentice cosmetologist–ten dollars;
(c) cosmetology teacher–twenty-five dollars;
(d) manicurist–ten dollars.

(10) Except as provided in subsection (7) of this section the fee for the renewal of an expired license where the period of expiration does not exceed five years shall be as follows:

(a) cosmetologist–twenty-five dollars;
(b) apprentice cosmetologist–twenty-five dollars;
(c) beauty shop–three dollars;
(d) cosmetology school–fifty dollars;
(e) manicurist–ten dollars.

Section 12. (1) To protect the health and safety of the public or to protect the public against misrepresentation, deceit or fraud in the practice or teaching of beauty culture, the cosmetologists board shall prescribe reasonable rules and regulations:

(a) governing the location and housing of beauty shops or cosmetology schools.

(b) governing the quantity and quality of equipment, supplies, materials, records and furnishings required in beauty shops or cosmetology schools;

(c) governing the training and supervision of cosmetology apprentices,

(d) governing the qualifications of teachers of cosmetology,

(e) governing the hours and courses of instruction at cosmetology schools,

(f) governing the examinations of applicants for licenses.

(2) Regulations pertaining to health and sanitation shall be approved by the Kentucky State Board of Health before becoming effective.

Section 13. (1) All fees and charges collected by the cosmetologists board shall be paid into the General Fund in the State Treasury and credited to a separate Revolving or Trust and Agency Fund Account established for the Kentucky Board of Hairdressers and Cosmetologists. The cost and expenses of administering the provisions of this act relating to cosmetologists, apprentice cosmetologists, cosmetology, cosmetology schools, cosmetology teachers including compensation to members of the cosmetologists board and its officers and employees shall be paid out of the General Fund in the State Treasury upon warrants of the Commissioner of Finance according to law provided that the total expense of administering these provisions shall not exceed the fees and other charges collected by the cosmetologists board.

(2) All fees and charges collected by the cosmetologists board shall be available for the administraiton of the provisions of this act relating to cosmetologists, apprentice cosmetologists, cosmetology, cosmetology schools, cosmetology teachers, and for no other purpose.

Section 14. (1) No license shall be renewed or issued by the barber board to any barber school, nor shall any license be issued by the cosmetologists board to any cosmetology school unless such school provides:

(a) as a prerequisite of graduation a prescribed course of instruction of not less than fifteen hundred hours to be given within an uninterrupted period with not more than eight hours nor less than four hours of instruction a day, exclusive of Sundays.

(b) Courses of instruction in histelogy of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics; disease of the skin, hair and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair and such other courses as may be prescribed by regulation of the appropriate board.

(c) Such facilities, equipment, materials, and qualified teachers as may be required by rules and regulations of the appropriate board adopted pursuant to this act, but in no event shall any school have fewer than one licensed teacher per fifteen students.

Section 15. (1) The cosmetologists board may prescribe reasonable rules and regulations pertaining to the issuance of a license, upon payment of the prescribed license fee, to any person holding a comparable license issued by another state where the laws of such state, in the opinion of the cosmetologists board, provide comparable professional qualification, health and safety standards.

(2) Notwithstanding the provisions of subsection (1) of this section, a license to operate or practice in this state may be refused or denied a holder of a license issued by another state if such state does not extend to the holder of a Kentucky license similar or comparable recognition and opportunity.

Section 16. (1) By agreement of the barber board and the cosmetologists board persons employed by either may be designated as agents for both in such duties as may be assigned such employee in carrying out the provisions of this act.

(2) Such equipment, supplies and records as are now held by the Board of Barbers and Beauty Examiners, which is abolished by this act, shall be appropriately divided between the two boards created by this act according to the nature of such equipment, supplies and records.

(3) The principal offices of both boards created by this act shall be located in such place as will enable the board to have ready access to records and technical assistance of the State Department of Health.

(4) The State Department of Health shall give cooperation and technical advice and assistance to the boards created by this act.

Section 17. (1) No examination or school or part of any examination required by this act shall be given unless a quorum of the appropriate board is present to supervise such examination.

(2) Examinations given by the board shall cover all phases of the applicant's qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge.

(3) Examinations shall be given at regularly prescribed intervals but not more frequently than 30 days.

(4) Examinations shall be given at the principal offices of the appropriate board.

Section 18. (1) No barber, student, cosmetologist, apprentice or manicurist shall:

(a) Knowingly continue to practice while he has an infectious or communicable disease;

(b) fail to provide the head rest of each chair with a relaundered towel or a sheet of clean paper for each patron;

(c) fail to place around the patron's neck a strip of cotton, towel or neck strip so that the haircloth does not come in contact with the nude skin of the patron's body;

(d) use on one patron a towel that has been used upon another patron, unless the towel has been relaundered; or

(e) use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of vibrator or other similar equipment or appliance that comes into contact with the head, face, hands or neck of a patron, until the equipment or appliance has been immerged in boiling water for ten minutes or in a sterilizing solution and placed in a wet or dry sterilizer until again used. Only such methods of sterilization as are bacteriologically effective and approved by the State Board of Health shall be used.

Section 19. (1) The cosmetologists board shall hold hearings upon the request of any person directly affected by the board's decision to refuse to renew a license or to deny or revoke a license and no license renewal shall be denied nor shall a license be revoked unless the board in advance shall have given the licensee twenty days written notice of the revocation or refusal to renew stating the grounds therefor.

(2) Hearings conducted by the board shall afford reasonable opportunity for the complainant to be present and represented by counsel, to examine and to cross examine any witnesses and produce any competent and relevant proof though the board need not follow strict rules of evidence in the conduct of such hearings.

(3) Rulings of the board as a result of any hearing may be appealed to the Franklin Circuit Court by filing with said court a certified copy of the ruling or order of the board. The court shall not set aside any ruling or order of the board if there was any competent evidence before the board to justify the ruling or order.

(4) The board is authorized to issue subpoenas for the attendance of witnesses and the production of such records and documents as may be reasonably necessary in the conduct of any hearing.

Section 20. (1) Licenses shall not be issued or renewed and such licenses as are issued shall be revoked upon proper showing of applicant's or licensee's:

(a) conviction of a felony,

(b) gross malpractice or incompetence, or

(c) mental or physical health would endanger public health or safety.

(2) A license may be refused or revoked by the appropriate board for the following reasons:

(a) failure to comply with regulations or rules of the board,

(b) false or deceptive advertising,

(c) practicing in an unlicensed shop or in a shop knowing that such shop is not complying with this act or regulations of the board promulgated pursuant to this act,

(d) immoral or unprofessional conduct,

(e) teaching in an unlicensed school or in a school knowing that such school is not complying with this act or regulations of the appropriate board promulgated pursuant to this act.

Section 21. Upon the day immediately preceding the effective date of this act, any person who lawfully held a license in force and effect entitling such person to engage in the practices licensed by this act shall be entitled to the comparable license required by this act upon application and the payment of the prescribed annual license fee therefor.

Section 22. This act shall become effective June 30, 1960.

Section 23. Sections 317.010, 317.020, 317.030, 317.040, 317.050, 317.060, 317.070, 317.080, 317.090, 317.100, 317.110, 317.120, 317.130, 317.140, 317.150, 317.160, 317.170, 317.180, 317.190, 317.200, 317.210, 317.220, 317.230, 317.240, 317.250, 317.260, 317.270, 317.280, 317.290, 317.320, 317.330, 317.340, 317.350, 317.360 and 317.990 of the Kentucky Revised Statutes are hereby repealed.

Section 24. (1) Any person who violates any provision of this act shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not less than ten days nor more than six months, or both such fine and imprisonment.

(2) Any person who violates any rule or regulation lawfully adopted by a board under the authority contained in this act shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned for not less than ten days nor more than three months, or both such fine and imprisonment.

Section 25. If any provision of this act is held invalid or unconstitutional the remaining provisions shall continue to be in force unless the remaining parts standing alone are incomplete and incapable of being administered without the provision declared invalid.

HB 334, AN ACT relating to guards of prisoners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When a sheriff or other peace officer believes that the safekeeping of a prisoner confined to a hospital requires that a guard be kept over him, he shall apply to the judge of the court having jurisdiction over the prisoner for an order appointing a guard. More than one guard may be appointed if necessary. The guard may be a sheriff, deputy sheriff, or any other suitable person. Each guard so appointed shall be allowed one dollar per hour of actual service, to be paid out of the county treasury.

HB 370, AN ACT relating to fire department aid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 17.250 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall allot on an annual basis the funds appropriated for fire department aid in the amounts not to exceed $1,000 to fire departments in those cities of the third through sixth classes, fire prevention districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.320, and all other organized fire departments recognized by the Commissioner as fire departments operated and maintained on a non-profit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth. With the advice of the Fire Department Committee, he shall prescribe regulations and standards for determining the amounts to be granted. Such standards shall be based on the number of firemen, both paid and volunteer, the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made.

Section 2. To carry out the purposes of the Fire Department Aid Law, there is appropriated to the Department of Public Safety out of the General Expenditure Fund in the State Treasury the sum of $50,000 for the 1960-1961 fiscal year, and the sum of $50,000 for the 1961-1962 fiscal year.

HB 375, AN ACT relating to the holding of Circuit Courts when, from any cause, the Judge thereof shall fail to attend or, if in attendance, cannot properly preside.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.230 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) When, from any cause, includng the cause set forth in Section 2 of this Act, a judge of any circuit court, whether of continuous session or terms, fails to attend, or being in attendance cannot properly preside in an action pending in the court as set forth in Section 2 of this Act or otherwise, or if a vacancy occurs or exists in the office of circuit judge, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion. If any party to the action is

an infant defendant, a person of unsound mind or a nonresident defendant who has neither entered his appearance nor been summoned, the attorney appointed to defend for such nonresident, the guardian ad litem for such infant or the committee or guardian ad litem for such person of unsound mind may agree with the other parties to the action upon an attorney having all the qualifications of a circuit judge to try the action. Any special judge so selected shall have all the powers and be subject to all the responsibilities of the regular judge of the court.

(2) If the parties cannot agree upon an attorney as provided in subsection (1) of this section or if the regular judge determines that sufficient time is not available in which to ascertain if the parties can agree upon a member of the bar to act as judge, as provided in subsection (1) of this section, or if he determines that it is impracticable to attempt to obtain agreement because of the large number of parties to the action to be tried or for any other reason, the clerk shall at once certify the facts to the Chief Justice of the Court of Appeals, who shall immediately designate a regular circuit judge, if one be available, and, if not, an attorney having the qualifications of a judge, to hold the court or try the action.

Section 2. A new section of Chapter 23 of the Kentucky Revised Statutes is created to read as follows:

(1) A circuit judge cannot properly preside at, and shall be disqualified from trying or hearing, any criminal or civil action or special proceeding of any kind or character or from hearing any matter therein which involves a contested issue of law or fact when it shall be established, as hereinafter provided, that any party to such an action or proceeding cannot have a fair and impartial hearing or trial because he has reason to believe, and does believe, that such judge is hostile to or prejudiced against him, his interests, or his attorney of record and that such hostility or prejudice is of such a nature as would prevent an official of personal integrity from presiding at the trial or hearing in such action or proceeding.

(2) Any party to, or any attorney of record, in any such action or proceeding may establish such prejudice by filing an affidavit stating:

(a) that he has reason to believe, and does believe, that the judge before whom the action or proceeding is pending is personally hostile to or prejudiced against him, his interests, or his attorney of record;

(b) that such hostility or prejudice is of such a nature as would prevent an official of personal integrity from presiding at the trial or hearing; and

(c) that because of such hostility or prejudice the judge before whom such action or proceeding is pending will not give him a fair and impartial trial or hearing.

(3) An affidavit of disqualification,

(a) if filed in a criminal action or proceeding, must set forth in detail the specific facts upon which it is based or grounded and which corroborate or support the ultimate facts described in subsection (2) of this section, in accordance with the practice heretofore prevailing;

(b) if filed in a civil action or proceeding, need not set forth in detail the specific facts upon which it is grounded or which corroborate and support the ultimate facts described in subsection (2) of this section, but shall be legally sufficient if the same sets forth the three ultimate facts or grounds described in subsection (2), above, in the language of that subsection.

(4) An affidavit of disqualification shall be filed with the Clerk of the Court and may be filed at any time up to, but not later than, the twentieth day before the date fixed for the trial of any such action or proceeding, except that, where a new trial or hearing is granted or ordered by the Court of Appeals such an affidavit may be filed within thirty days after the mandate of the Court of Appeals is filed with the Clerk of the Circuit Court.

(5) The judge sought to be disqualified shall have jurisdiction and authority to determine only whether the affidavit of disqualification;

(a) Substantially complies with the requirement of subsections (2) and (3) of this section;

(b) Was in fact signed and executed by a party to the action or his attorney of record; and

(c) Was in fact acknowledged and sworn to by the affiant before a person authorized to administer oaths.

(6) Upon the filing of a legally sufficient affidavit of disqualification as defined in subsections (2) and (3), above, and without any further act or proof, the judge as to whom the disqualification is alleged shall be deemed to be incapable of properly presiding at the trial or hearing, shall be without jurisdiction and authority to act further in the action or proceeding with respect to which such affidavit is filed, and the provisions of Section 23.230 of the Kentucky Revised Statutes with respect to the selection of a special judge to preside in that action or proceeding shall apply thereto.

(7) Under no circumstances shall a party or his attorney be permitted to file more than one affidavit of disqualification in any one action or special proceeding, and in actions or special proceedings where there is more than one plaintiff or similar party or more than one defendant or similar party, only one such affidavit for each side may be filed in that action or special proceeding.

(8) No person shall be punished for contempt for making, filing, or presenting an affidavit of disqualification under or pursuant to this section, but neither this restriction nor any other provision of this

section shall ever be construed as relieving any person who executes an affidavit of disqualification from criminal penalties applicable thereto under Chapters 431 through 438, inclusive, of the Kentucky Revised Statutes, or any attorney who executes an affidavit of disqualification from appropriate disciplinary action in the event such affidavit is false, inaccurate, or improvidently filed.

(9) The failure or refusal of a circuit judge to vacate the bench when a legally sufficient affidavit of disqualification has been filed shall be sufficient, in and of itself and without further act or proof, to warrant the aggrieved party in invoking the original jurisdiction of the Court of Appeals to obtain an order requiring him to vacate the bench immediately and enjoining him from proceeding further in the action or special proceeding.

HB 376, AN ACT relating to the jurisdiction of quarterly and justices' courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 25.410 of the Kentucky Revised Statutes is amended to read as follows:

In civil cases the quarterly court has jurisdiction concurrent with justices' and police courts of all actions within its county for the recovery of money or personal property, where the value in controversy is five hundred dollars or under, exclusive of interest and costs, and concurrent jurisdiction with circuit courts of all such actions where the value in controversy is over fifty and not more than five hundred dollars, exclusive of interest and costs.

Section 2. Section 25.610 of the Kentucky Revised Statutes is amended to read as follows:

Justices' courts have jurisdiction concurrent with circuit and quarterly courts of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed five hundred dollars; jurisdiction, exclusive of circuit courts and concurrent with quarterly courts, of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed fifty dollars; jurisdiction, concurrent with quarterly courts, of motions against constables for failing to discharge their duty; and any other jurisdiction conferred upon them by law.

HB 389, AN ACT relating to the disposition of unclaimed property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 393.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Banking organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, or a private banker engaged in business in this state.

(b) "Business association" means any corporation, joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Financial organization" means any savings and loan association, building and loan association, credit union, cooperative bank, or investment company, engaged in business in this state.

(d) "Life insurance corporation" means any corporation or association transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(e) "Claim" means to demand payment or surrender of property from the person whose duty it is to pay the claimant, or surrender to him the property involved.

(f) "Commissioner" means the Commissioner of Revenue.

(g) "Department" means the Department of Revenue.

(h) "Person" means any individual, state or national bank, partnership, joint stock company, business, trust, association, corporation, or other form of business enterprise, including a receiver, trustee or liquidating agent.

(2) This chapter does not apply to bonds of counties, cities, school districts or other tax-levying subdivisions of this state.

Section 2. (a) "Unclaimed funds", as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) correspond in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

(b) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of corporation.

Section 3. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment or principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(a) It is held or owing by a business association organized under the laws of or created in this state; or

(b) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state.

Section 4. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or

(b) If it is held by a business association doing business in this state, or any agent or fiduciary acting for or under contract with a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state; or

(c) If it is held in this state by any other person.

Section 5. When property is paid or delivered to the department under KRS Chapter 393, KRS 271.580 or this act, the owner is not entitled to receive income or other increments accruing thereafter.

Section 6. Kentucky Revised Statute 393.060 is amended to read as follows:

The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any deposit (legal, beneficial, equitable or otherwise) payable on demand in any bank or trust company in this state, together with the interest thereon, unless the owner has within seven years:

(1) Negotiated in writing with the bank or trust company concerning it;

(2) Been credited with interest on the passbook or certificate of deposit on his request;

(3) Had a transfer, disposition of interest on other transaction noted of record in the books or records of the bank or trust company; or

(4) Increased or decreased the amount of the deposit.

(b) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit, as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, and traveler's checks, that has been outstandng for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within seven years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

Section 7. Kentucky Revised Statute 393.080 is amended to read as follows:

The following funds held or owing are presumed abandoned:

(1) Any deposit of money, stocks, bonds or other credits made to secure payment for services rendered or to be rendered, or to guarantee the performance of services or duties, or to protect against damage or harm, and the increments thereof, unless claimed by the

person entitled thereto within seven years after the occurrence of the event that would obligate the holder or depository to return it to its equivalent.

(2) Any sum which a public utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

Section 8. Kentucky Revised Statute 393.090 is amended to read as follows:

All intangible personal property, not otherwise covered by this act, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state by any person and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

Section 9. Kentucky Revised Statute 393.110 is amended to read as follows:

(1) Every person holding funds or other property, tangible or intangible, presumed abandoned under Chapter 393 of the Kentucky Revised Statutes or this act shall report to the department with respect to the property annually as of July 1. The report shall be filed in the office of the department on or before September 1 of each year for the preceding July 1, and shall give the name of the owner, his last known address, the amount and kind of property, and such other information as the department may require for the administration of this chapter. The report shall be made in duplicate; the original shall be retained by the department, and the copy shall be mailed to the sheriff of the county where the property is located or held. It shall be the duty of the sheriff to post said copy on the courthouse door or the courthouse bulletin board, and also to publish said copy in at least one issue of a newspaper published in the county seat or, if no newspaper is published in the county, then in a newspaper of general circulation in the county. The list shall be published within thirty days of its receipt by the sheriff and this publication shall constitute compliance with the requirements of Chapter 424 of the Kentucky Revised Statutes. The cost of the publication shall be paid by the state. The sheriff shall immediately certify in writing to the department the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made, and such posting and publishing shall be constructive notice to all interested parties.

(2) Any person who has made a report of any estate or property presumed abandoned, as required by this chapter, shall, between November 1 and November 15 of each year, turn over to the department

all property so reported; but if the person making the report or the owner of the property shall certify to the department by sworn statement that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exist or never did exist, or shall certify the existence of any fact or circumstance which has a substantial tendency to rebut such presumption, then, the person reporting or holding the property shall not be required to turn the property over to the department except on order of court. If a person files an action in court claiming any property which has been reported under the provisions of this chapter, the person reporting or holding such property shall be under no duty while any such action is pending to turn the property over to the department, but shall have the duty of notifying the department of the pendency of such action.

(3) The person reporting or holding the property or any claimant thereof shall always have the right to a judicial determination of his rights under this chapter and nothing therein shall be construed otherwise; and the Commonwealth may institute an action to recover such property as is presumed abandoned whether it has been reported or not and may include in one petition all such property within the jurisdiction of the court in which the action is brought provided the property of different persons is set out in separate paragraphs.

Section 10. (1) All tangible personal property or intangible personal property, including choses in action in amounts certain, and all debts owed or entrusted funds or other property held by the Federal Government or any Federal Agency, or any officer, or appointee thereof, shall be presumed abandoned in this state if the last known address of the owner of the property is in this state and the property has remained unclaimed for five years.

(2) The Federal Government or any Federal Agency thereof which pays or delivers abandoned property to the department under this section is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exist or which thereafter may arise or be made in respect to the property.

(3) The Federal Government or any Federal Agency thereof may deduct from the amounts to be paid or delivered to the department the proportionate share of the actual and necessary costs of examining records and reporting such information.

Section 11. The department shall deduct the proportionate share of the cost, in no event less than one dollar, of the advertisement and the cost of preparing the advertisement required by Section 9 of this act from the amount of any claim allowed.

Section 12. Kentucky Revised Statute 393.130 is amended to read as follows:

Upon the payment or delivery of abandoned property to the department, the state shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the department under this act is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder of deposits or any life insurance company who has paid moneys to the department pursuant to this act shall make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the department shall forthwith reimburse the holder or company. Notwithstanding the provisions of KRS 393.140 posting or advertising is not required in the event payment is made to persons entitled thereto by holders of deposits of life insurance companies in compliance with this section. The claim shall be paid without deduction for the cost of advertising or services provided in Section 11 of this act.

Section 13. If specific property which is subject to the provisions of section 3, 4, 6 and 8 of this act and Section 393.070 of the Kentucky Revised Statutes is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this state and subject to this act if:

(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state.

Section 14. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this act or to pay or deliver abandoned property to the department.

Section 15. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

HB 407, AN ACT relating to the abandonment of dedicated streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any land dedicated to the public for use as a street by the owner thereof whether express or implied and accepted for such use by or on behalf of the public by the legislative body of a city of the fifth or sixth class, which is thereafter abandoned by such city or is devoted to purposes other than those for which it was acquired, shall be returned to the owner or the estate of the owner who made the dedication.

Section 2. In returning the land as required in Section 1 of this Act the legislative body shall do so by resolution and a certified copy of such resolution shall be filed with the county court clerk and recorded as deeds are recorded.

HB 429, AN ACT relating to aeronautics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Chapter 183 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Section 2. As used in this chapter unless the context otherwise requires:

(1) "Federal Aviation Agency" shall mean that agency or board of the United States government empowered to regulate operation of aircraft; aviation facilities and persons operating and maintaining aircraft.

(2) "Commissioner" means the Commissioner of the Department of Aeronautics;

(3) "Department" means the Department of Aeronautics, the statutory administrative department of the Commonwealth of Kentucky.

Section 3. (1) "Aeronautics" means the science and art of flight and including, but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto;

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air;

(3) "Air navigation" means the operation or navigation of aircraft in the airspace over this state, or upon any airport within this state;

(4) "Air navigation facility" means any facility other than one owned or controlled by the United States, used in, available for use in, or designed for use in, aid of air navigation, including airports and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instruments or devices used or useful as an

aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;

(5) "Airport" means any area, of land or water, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights of way, whether theretofore or hereinafter established;

(6) "Airport board" or "board" means a board established as provided in this chapter;

(7) "Airport facilities" includes land, buildings, equipment, runways and other improvements and appurtenances necessary or proper for the establishment and maintenance of airports;

(8) "Airport hazard" means any structure, object or natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off;

(9) "Approach zone" means that area extending from the end of an airport runway in an inclined plane and increasing in elevation at a given ratio of horizontal to vertical feet, and which area may be more particularly identified and described by reference to the Technical Standard Orders of the Federal Aviation Agency.

(10) "Certificate" means a certificate issued by the department;

(11) "Civil aircraft" means any aircraft other than a public aircraft;

(12) "Charter operator" means all persons who transport or seek to transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points;

(13) "Common carrier" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the Commonwealth of Kentucky;

(14) "Development" and "airport development" mean:

(a) Any work involved in planning, designing, constructing, improving or repairing a public airport or portion thereof, including the construction, alteration and repair of airport buildings and the removal, lowering, relocation and marking and lighting of airport hazards; and

(b) Any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any such work or to remove, mitigate, prevent or limit the establishment of airport hazards and expenses incident to the carrying out the provisions of this chapter;

(15) "Navigable air space" means air space above the minimum

altitudes of flight prescribed by the regulations of the Federal Aviation Agency or department consistent therewith, and includes the air space necessary for normal landing or take off of aircraft;

(16) "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon any airport within this state. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state;

(17) "Overhead line" means any cable, pipeline, wire or similar substance of any kind or description;

(18) "Permit" means a permit issued by the department;

(19) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of the state, territory or possession of the United States, or the Distict of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes;

(20) "Public airport" means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned;

(21) "Public use airport" means any airport in the state airport plan open for use by the general public, not including a private airport used primarily for the benefit of the owner;

(22) "State airport plan" means the plan of the department for the development of public and certain private airports for the benefit of the people of this state;

(23) "State airway" means a route in the navigable airspace over the lands or waters of this state, designated by the department as a route suitable for air navigation;

(24) "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines;

(25) "Tree" includes object of natural growth.

Section 4. (1) "City" means any incorporated city.

(2) "Governmental unit" means any city, or the combination of any two or more thereof, or any county, or combination of two or more such counties, city or cities, acting jointly with any county or counties;

(3) "Ordinance," in the case of a county, means resolution of the county legislative body;

(4) "State" or "this state" means the Commonwealth of Kentucky;

(5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Section 5. There hereby is created and established the Department of Aeronautics, which shall constitute a statutory administrative department of the State Government within the meaning of KRS Chapter 12, and which department shall exercise all of the administrative functions of the Commonwealth in relation to aeronautics, including aircraft, air transportation, airports, air navigation, and all matters related to said functions. The Department of Aeronautics shall be headed by the Commissioner of Aeronautics, who shall be the executive officer and have sole charge of the administration of the department and the performance of all functions of the department. No person shall be appointed as commissioner unless at the time of his appointment he holds a valid commercial license, or its equivalent, issued by the Federal Aviation Agency for the piloting of aircraft, and unless he shall have had at least five years' experience in aeronautics.

Section 6. The Commissioner of Aeronautics, with the advice and approval of the Governor, may appoint an Advisory Board of Aeronautics to advise with the commissioner in carrying out the functions of the department. Such board, if appointed, shall consist of not less than three nor more than nine members, who shall serve for such terms, not exceeding four years, as may be fixed by the commissioner, and who shall be removable at the will of the commissioner. The Commissioner shall serve as chairman of the board, and the board shall meet at the call of the chairman. The members of the board shall be allowed their necessary expenses attendant upon their duties.

Section 7. The Department of Aeronautics may prescribe such rules and regulations, not inconsistent with law, and may do all things reasonable or necessary to carry out the provisions of this chapter and other statutes relating or incidental to the field of Aeronautics. The department may acquire aircraft by purchase, lease, or otherwise, necessary for the performance of the functions of the department and state government.

Section 8. (1) Processes and proceedings under this chapter shall be as summary and simple as possible. The department, or any employe thereof, for the purpose of this chapter, may subpoena witnesses; administer or cause to have administered oaths; and examine, or cause to have examined, parties and such parts of the books and records of the parties to a proceeding as relate to the question under consideration.

(2) The sheriff shall serve all subpoenas of the department and shall receive from the department the same fee as provided by law for like service in civil actions.

(3) Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage for witnesses in civil

cases in the circuit court to be paid by the party at whose request the witness was subpoenaed.

(4) The circuit court shall, on application of the department or any officer thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

Section 9. No person shall operate an aircraft within the state unless he and it are licensed and registered by the Federal Aviation Agency.

Section 10. The department may require that all aircraft operating from any airport, or other landing facility, within this state, shall be licensed with the department. It may further require that all pilots operating aircraft from any airport or other landing facility within this state shall be registered with the department. Provisions and fees for licensing of aircraft and registration of pilots shall be by regulations established by the department.

Section 11. The department may promulgate air traffic rules applicable to the operation of aircraft within the state, but the rules shall be in conformity with the air traffic rules adopted by the Federal Aviation Agency as nearly as possible. The department may also promulgate such other rules, not in conflict with the Federal Aviation Agency regulations necessary for safe, adequate and convenient operation of airports, air navigation, air transportation and all matters relating to said functions.

Section 12. (1) The department shall cause all airport facilities in the state to be inspected to determine the safety and adequacy of such facilities. No person shall operate any aircraft from an airport declared unfit by the department.

(2) In determining whether it shall issue a certificate of approval or license for the use or operation of any airport, the department shall take into consideration its location, size, layout, safety of operations, the relationship of the airport to a comprehensive plan for state-wide and nation-wide development, whether the adjoining area is free from obstructions based on a proper glide ratio, the nature of the terrain, the nature of the uses to which the airport will be put, and the possibilities for future development.

(3) The department is empowered to temporarily or permanently revoke any certificate of approval or license issued by it when it shall determine that an airport or other navigation facility is not being maintained or used in accordance with the provisions of this chapter and the rules and regulations promulgated pursuant thereto.

Section 13. No person shall operate any aircraft within the state in any form of navigation whatsoever in violation of the air traffic rules promulgated by the department or the Federal Aviation Agency. For enforcement purposes department personnel shall have access at all reasonable times to appropriate books, records and logs of any person operating aircraft in the state.

Section 14. (1) The commissioner and officers and employes of the department designated by order of the commissioner shall be peace officers and may arrest any person found violating any provision of this chapter or any civil air regulation promulgated by the Federal Aviation Agency.

(2) The commissioner, in his discretion, may commission any official or employee of an airport board or governmental unit as law enforcement officers and such persons so commissioned shall have all of the powers of peace officers in respect to the enforcement of this chapter or any civil air regulation promulgated by the Federal Aviation Agency and rules and regulations promulgated by airport boards or governmental units.

Section 15. (1) The department may acquire or dispose by contract, purchase, lease, donation, condemnation or otherwise, airports, buildings, runways, grounds and other facilities suitable for airport purposes and the proper safeguards to flying where such acquisition or disposal shall be in the public interest.

(2) The department may make additions and improvements to such airports, or facilities and either alone or with the cooperation of others provide personnel, heat, light, water, fuel, telephone service, drainage, runways, fueling facilities, radio and navigation facilities, and other costs of operation and maintenance, including insurance, and may bear the expense of removal or change of obstructions that menace air travel.

(3) The department may enter into contracts of lease for land or facilities to which title is vested in the Commonwealth with any city, or cities, county, or counties, governmental unit, political subdivision, airboard or person for the furtherance of the purposes of this chapter. All rents or revenues derived from such contracts of lease shall become the property of the department to be expended by it in carrying out the purposes of this chapter.

(4) The department may give such advice and assistance, including financial aid, engineering and technical assistance within the limits of its resources as it deems advisable, to enable any governmental unit or board to acquire, construct, expand, maintain and operate airports or otherwise assist in the development of aeronautics within their limits. Such aid may include the exercise of the department's power of eminent domain, if such usage is requested by the governmental unit or board. Where such eminent domain powers are utilized title to acquire property may vest in the governmental unit.

Section 16. (1) The department may designate, design, establish, expand, or modify a state airways system which will best serve the interests of the state. It may chart such airways systems and arrange for publication and distribution of such maps, charts, notices and bulletins relating to such airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, provided that such facilities conform to federal safety standards.

(2) It may participate as party plaintiff or defendant, or as intervener on behalf of the state, or on behalf of any air board or governmental unit or other person in any controversy involving any right of the state or others pertaining to aeronautics.

(3) To enforce the provisions of this chapter the department may in addition to all other remedies institute and prosecute injunctive proceedings without the execution of a bond.

(4) The Franklin Circuit Court shall hold concurrent venue with the courts of this Commonwealth of all civil and injunctive actions instituted by the department for the enforcement of this chapter and the orders, rules and regulations of the department thereunder.

Section 17. (1) Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports acquired or operated under the provisions of this chapter, the department is hereby granted authority to condemn and acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports and such other airport protection privileges, together with rights of ingress and egress thereto and therefrom, as are necessary to insure safe approaches to the landing areas of said airports and the safe and efficient operation thereof. The department is authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the day time marking and suitable lights or marks for the night marking of airport hazards, including the right of ingress and egress to and from such airport hazards for the purpose of maintaining and repairing such lights and marks.

(2) The commissioner may, by order, authorize any airport board or governmental unit to condemn and acquire, with the full power of the Commonwealth, in the same manner as is provided for the acquisition of property for airport purposes by such board, or governmental unit, any of the interests, easements, airport protection privileges, interests, in air space, rights, or hazard marking privileges described in subsection (1), or any real or personal property. Any condemnation proceeding which may be necessary for such acquisition, if filed under this subsection, shall be filed in the name of the Commonwealth on relation of the Commissioner of Aeronautics, and of the airport board or governmental unit making such acquisition.

(3) The authority granted in subsections (1) and (2) shall not be so construed as to limit the right, power, or authority of the state or

any municipality or governmental unit to zone property adjacent to any airport pursuant to any law of this state.

Section 18. The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of any airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipping, and operation of airports and other air navigation facilities, whether by the state separately or jointly with any governmental unit thereof or air board; the assistance of the state in any such acquisition, establishment, construction, enlargement, improvement, maintenance, equipping and operation; and the exercise of any other powers of the department as set out in this chapter, including the zoning of land in and around air facilities, are hereby declared to be public and governmental functions exercised for a public purpose, and matters of public necessity, and such lands and other property and privileges acquired, zoned and used in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired, zoned and used for public and governmental purposes and as a matter of public necessity.

Section 19. (1) The department is the proper agency of the the state to accept and receive financial or other aid from the United States Government for the acquisition, construction, maintenance and operation of airports, air markings and other air navigational aids or otherwise in carrying out the promotion of aviation, whether the work is to be done by the state or at the expense of cities or governmental units aided by grants or aids from the United States.

(2) When acquisition or construction of airports or other facilities is made at the joint expense of the department, board or governmental units and the United States Government, the department shall, on behalf of such board or governmental unit, accept and receipt for any money paid over by the United States Government and forthwith pay such money over to the board of governmental unit under the terms and conditions imposed by the United States Government in making the grants.

Section 20. All counties in this state located on the boundary line between this state and any other state, or which are contiguous to such counties, as well as all governmental units which are located in such boundary counties, or contiguous counties, are hereby authorized, separately, jointly with each other or jointly with any other municipality or political subdivision of any such boundary state to acquire, equip, construct, expand, lease, improve, police and operate airports within this state or either within or without the geographical limits of any county, municipality or political subdivision of any such boundary state.

Section 21. The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipping and operation of airports and other air navigation facilities, and the exercise of any other powers granted to air boards or municipalities in this chapter, are hereby declared to be public, governmental and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property, easements and privileges acquired and used by such air boards or municipalities in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired and used for public, governmental and municipal purposes and as a matter of public necessity.

Section 22. The department, with the consent of the owner of a private airport, may, by resolution, reciting that any lands or property adjoining an airport are needed for purposes of establishing or expanding the airport and related facilities, direct the condemnation of such property. Whereupon, condemnation proceedings shall be conducted in the name of the department at the expense of the person owning or operating said airport, and the procedure for condemnation shall conform to the procedure set out in KRS 416.120. The department shall have no liability for the results of such proceedings, and all costs, damages and compensation awarded shall be paid by the owners or operators of such airport. Title shall vest in the person owning the airport. Such airport shall be a public use airport.

Section 23. (1) Any airport operator within the jurisdiction of the department shall have the right to extend and improve any runway of such airport, over and across any county road, or passway not heretofore designated by the Kentucky State Highway Department as a part of the primary road system of the Commonwealth, in such manner as to not unreasonably obstruct by such construction, the passage of vehicles on such road or passway. In the event any such runway is so extended or constructed, the public using such road shall be entitled to the same protection in the use of said road as in cases where public roads cross railroads; the operator of said airport at its expense shall restore to its former condition, as nearly as may be, any such road across which it has constructed its runway, to the full width of said runway, and at least one hundred feet on each side thereof.

(2) An automatic signal by bell or whistle upon such road, or passway, installed at least fifty rods from the said runway, which device shall ring or sound continuously or alternately, while any aircraft is using any part of said runway, shall be provided by the operator of the airport, and at his expense. The operator of the airport shall cause signal boards to be placed and constantly maintained on any such road or passway one hundred feet from the place where the runway crosses any such road, which boards shall be substantially sup-

ported, and shall be placed so as to be seen easily by travelers, and not to obstruct travel, and shall bear on each side in capital letters at least five inches high, the words, "DANGER, AIRPORT CROSSING, STOP, LOOK AND LISTEN FOR AIRCRAFT"; provided, however, that nothing herein shall allow the construction of any runway over any hard-surfaced or improved highway, nor any road constituting a part of the primary road system of the state.

Section 24. It is hereby declared to be the purposes and policy of the legislature in enacting Section 24 through Section 31 to confer upon the department the power and authority and to make it a duty to supervise and regulate the transportation of persons and property for hire by aircraft operating in intrastate commerce between termini located within the Commonwealth of Kentucky.

Section 25. (1) Any person seeking to engage in the operation of a common carrier in intrastate commerce of persons or property by aircraft, shall first obtain a certificate of public convenience and necessity from the department in accordance with the provisions of this section and Section 24 through Section 30. All certificates issued to common carriers shall automatically grant to such common carriers the right to conduct charter operations that originate at a point on said carrier's route to any other point in the state, and return. Any such certificate shall be null and void unless the person to whom the certificate is granted, shall in good faith, begin and continue to operate under the terms of the certificate.

(2) If it appears from the application that the applicant is a holder of a certificate of public convenience and necessity issued by the Civil Aeronautics Board and that the applicant is operating between two or more points in this state pursuant to such certificate, the department shall forthwith issue to the applicant an intrastate certificate of public convenience and necessity authorizing the applicant to engage in transportation by air of persons and property between all of the points in this state between which the applicant is authorized to operate by the terms of its interstate or federal certificate.

(3) Any person engaged or seeking to engage in the air transportation of persons or property in intrastate commerce for hire on an unscheduled basis and not between fixed points shall first obtain a charter permit from the department. Upon filing of an application for a charter permit the department shall cause notice of such filing to be given by mail not less than thirty days before granting such application, addressed to all air common carriers and all holders of charter permits and applicants therefor whose operations or proposed operations would be affected by the granting of the permit and upon any other person deemed by the department to have an interest in such application.

(4) If no objection to the granting of such permit is filed with the department within thirty days after the mailing of the notice, the

department may proceed informally, in accordance with such rules and regulations as it may adopt, and grant or deny such application in whole or in part and upon such terms and conditions as the public interest may require.

(5) If objection is filed and a hearing requested by an interested party, the department shall set the application down for hearing and disposition in accordance with the procedure set forth in Section 27, 28 and 31.

Section 26. All applications for an intrastate certificate of public convenience and necessity shall be in the form prescribed by the department and shall contain such information as the department may require. Such applications shall be accompanied by a filing fee of twenty-five dollars, proof of insurance and all other things required by law and regulations of the department. The department is empowered to levy reasonable charges for the use of state air routes and airways in compensation for expenses incurred by the department in administering the provisions of Section 24 through Section 31, not to exceed, however, two percent of the gross receipts from intrastate business of the carrier, and the annual total of such charges shall not exceed twenty-five thousand dollars.

Section 27. When an application for an intrastate common carrier certificate of public convenience and necessity has been filed, the department shall fix a time and place for hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than thirty days, exclusive of the date of mailing, before such hearing, addressed to all holders of intrastate certificates and interstate certificates issued by the Civil Aeronautics Board as well as intrastate certificate applicants therefor whose operations or proposed operations would be affected by the grant of the proposed certificate, and upon any other person deemed by the department to have an interest in such proceeding. Notice shall also be given to the mayors of all cities on the requested route. All interested persons shall have the right to intervene and to participate in all proceedings either in person or by attorney.

Section 28. (1) The department is hereby vested with the power and authority and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to hear and determine under such rules and regulations as it may promulgate whether the public convenience and necessity require such proposed service.

(2) The department shall issue a certificate authorizing the whole or any part of the transportation requested by the application if it finds the applicant is fit, willing and able to perform such transportation properly and to conform to applicable provisions of this chapter and the rules, regulations and requirements of the department

hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(3) The department may also issue a certificate to engage in temporary air transportation for such limited periods as may be required by the public convenience and necessity if it finds after notice and hearing that the applicant is fit, willing and able to perform such transportation and to conform to the provisions of this chapter and the rules, regulations and requirements of the department hereunder.

(4) Each certificate issued hereunder shall specify the terminal and intermediate points between which the carrier is authorized to provide air transportation and the service to be rendered, and the department may impose such reasonable terms, conditions and limitations as the public interest may require.

(5) Each certificate shall be effective from the date specified therein and shall continue in effect until suspended, surrendered or revoked as hereinafter provided, or until the department shall certify that operation thereunder has ceased. If issued for a limited or temporary period of time the certificate shall continue in effect until the expiration thereof.

(6) The department, upon petition or complaint, or upon its own initiative, after notice and hearing, may alter, amend, modify or suspend any such certificate in whole or in part if the public convenience and necessity so require, or may revoke any such certificate in whole or in part for failure to comply with any provision of this chapter or any order, rule or regulation issued hereunder or any term, condition or limitation of such certificate.

(7) No certificate may be transferred except upon proper application and hearing and approval by the department as being consistent with the public interest.

(8) No air carrier shall abandon any route or part thereof for which a certificate has been issued by the department unless, upon application of such carrier, after notice and hearing, the department shall find such abandonment to be in the public interest. Any interested person may intervene and be heard in opposition or support of such abandonment. The department may by order, regulation or otherwise authorize such temporary suspension of service as may be in the public interest.

(9) No certificate shall confer any property, proprietary or exclusive right in the use of any airspace, airport, state airway or other air navigation facility.

(10) No certificate shall be required for the transportation of United States mail unless passengers or freight are also transported.

(11) The jurisdiction of the department shall extend only to common carriers engaged in, or who seek to engage in, intrastate commerce. Orders of the department shall be served upon all parties to said proceedings and shall become effective as determined by the

department. Any party to such hearing may, upon proper petition, be granted a rehearing if such petition is filed within thirty days after the issuance of the order. Upon granting of any rehearing the department may suspend prior orders until the petition for rehearing is determined.

Section 29. All common carriers subject to Section 24 through Section 31 shall before engaging in business file with the department and keep open to public inspection at its offices and stations schedules showing all rates, fares and charges for transportation of passengers, or property between different points on its route or routes, and also between points on its own route and on the routes of other common carriers when a through route and point rate have been established. No intrastate common carrier shall accept or receive any person or property for transportation until the requirements of Section 24 through Section 31 have been complied with and no such carrier shall charge, demand, collect, or receive a greater or less or different remuneration for such transportation, or for any service in connection therewith than the rates, fares and charges which have been legally established and filed with the department; nor shall any such carrier refund or remit in any manner or by any device, any portion of the rates, fares and charges so established when service is rendered in accordance with published tariffs. The department is vested with the power and authority to supervise, regulate and fix, alter and determine just, fair, reasonable and sufficient rates, fares, and charges and classifications. No order of the department affecting rates, fares and charges shall issue except after notice and hearing on the same and any interested party may appear and take part in any such proceedings either in person or by attorney.

Section 30. (1) The department is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or specific rules, regulations and procedures pursuant to and consistent with the provisions of this chapter as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this chapter.

(2) The department is empowered to confer with or to hold joint hearings with any other state or federal agency in connection with any matter arising under this chapter, and to avail itself of the cooperation, services, records and facilities of such agencies, state or federal, as fully as may be practicable in the administration and enforcement of this chapter.

(3) No certificate or charter permit shall be issued until there has been filed with the department a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this state, which shall provide such terms, conditions and provisions and in such penal sums in such a maximum amount, if any,

as the department may deem necessary for the reasonable protection of the patrons and of the public in the collection of damages for which the carrier may be liable by reason of the operation under such certificate.

Section 31. (1) The applicant or the holder of any certificate shall have the right of an appeal from any action of the department by filing within forty days after the rendition of the order of the department a petition of appeal with the clerk of the Franklin Circuit Court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the record certified by the department, or an abstract thereof, if agreed to by all parties to the hearing before said department.

(2) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such department.

(3) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service thereof.

(4) No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of Section 24 through Section 31, or affecting the order, ruling or award, but the court shall otherwise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(a) The department acted without or in excess of its power;

(b) The order, decree or award was secured by fraud;

(c) The order, decision or award is not in conformity with provisions of Section 24 through Section 31.

(d) The finding of facts in issue is not supported by any substantial evidence.

(5) The department and each party shall have the right to appear in such review proceedings. The court shall enter judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the department for proceedings in conformity with direction of the court.

(6) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to the department.

(7) Any party may appeal from the decision of the circuit court to the Court of Appeals of Kentucky. Such appeals from the order of the department or to the Court of Appeals shall have precedence over other cases pending.

Section 32. (1) Any city or county, or city and county acting jointly, or any combination of two or more cities and/or counties may establish a non-partisan air board composed of six members.

(2) The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with and do all things reasonable or necessary to effectively carry out the duties prescribed by statute.

(3) The members of an airboard shall be appointed as follows:

(a) If the airboard is established by a city, such members shall be appointed by the Mayor of the city.

(b) If the airboard is established by a county, such members shall be appointed by the county judge.

(c) If the airboard is established as a joint city-county airboard, three members shall be appointed by the mayor and three members by the county judge.

(d) If a combination of cities and/or counties establishes a joint airboard, the mayors and/or county judges involved shall jointly choose six members, and shall jointly choose successors.

(4) Members of the board shall serve for a term of four years each, and until their successors are appointed and qualified, provided, however, that initial appointments shall be made so that two members are appointed for two years, two members for three years and two members for four years. Upon expiration of these staggered terms, successors shall be appointed for a term of four years.

(5) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. The board shall choose a chairman and vice-chairman who shall serve for terms of one year. The board shall also choose a secretary-treasurer who may or may not be a member of the board. The board may fix a salary for the secretary-treasurer and the secretary-treasurer shall execute an official bond to be set and approved by the board and the cost thereof shall be paid by the board.

(6) The board may employ necessary counsel, agents and employes to carry out its work and functions, and prescribe such rules and regulations as it deems necessary.

(7) The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. He shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. Such books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the board was created. He shall transmit at least once annually a detailed report of all acts and doings of the board to the legislative body or bodies by whom the board was created.

(8) In the event that a joint airboard is created by cities and/or counties, and thereafter a city or cities or county or counties desire to withdraw from participation, then the remaining participants may

jointly choose a successor member or members of the board. No such withdrawing city or cities, county or counties shall be entitled to return of any moneys or property advanced such board.

(9) A quorum for the transacting of the business of the board shall consist of four mmebers. Meetings of the board may be called by the chairman or by four members. In case of tie voting by the board, the issue shall be deemed to have failed passage.

(10) A board member may be replaced by the appointing authority upon a showing to such authority of misconduct as a board member or upon conviction of a felony. No board member shall hold any official office with the appointing authority.

Section 33. (1) The purpose of the board shall be to establish, maintain, operate and expand necessary airport and air navigation facilities. It shall have the duty and such powers as may be necessary or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities.

(2) The board shall establish and fix reasonable rates, charges and fees for the use of the landing area, ramps and other common aviation facilities. In fixing such rates, charges or fees the board may take into consideration, among other factors, the total capital investment by the board or other local or state governmental authority, the revenue needed properly to maintain such facilities, the revenue needed properly to expand the airport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the board to the circuit court of the county within which the board operates, within ninety days from the date that the board finally publishes such rates, charges or fees and gives notice of same to the contracting party or licensee. The circuit court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgment of the circuit court may be prosecuted as any other civil appeal.

The board shall likewise have power, from time to time, to fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of terminal or other ground use facilities, under such terms or conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary airport or air navigation facilities, and the public use thereof.

(3) The board may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary or suitable for establishing, operating or expanding airports and air navigation facilities. The board may erect, equip, operate and maintain on such property, buildings and equipment necessary and proper for airport or air navigation facilities. The board may dispose of any real or personal property, or rights therein, which,

in the opinion of the board are no longer needed for operating or expanding the airport or air navigation facilities.

(4) The board or any governmental unit may by resolution reciting that the property is needed for airport or air navigation purposes direct the condemnation of any property, including navigation or other easements. The procedure for condemnation shall conform to the procedures set out in KRS 416.120, or in the alternative, as nearly as practicable to KRS 177.081 to 177.089.

Section 34. In order to provide money for the purchase of property necessary for the establishment or expansion of airports and to construct, equip and maintain buildings necessary or suitable for airport purposes, the legislative body of any governmental unit owning in whole or part any airport or operating an airport, may make an annual appropriation from its general fund; or such governmental unit may make an annual levy to collect a tax on taxable property situated in the governmental unit for such airport development. Any appropriation shall be made by the legislative body in such amounts, in such proportion and upon such terms as the legislative body may determine. All funds derived from such appropriation of tax shall be turned over to the airport board, if any, for the purpose of carrying out the duties and powers of the board.

Section 35. The board may borrow money on its own credit in anticipation of revenue to be derived from taxes, appropriations or other income. For such purposes, the board may pledge the taxes, appropriations or income anticipated. The board may pledge the airport and facilities as security for moneys borrowed.

Section 36. (1) The board is authorized to defray the cost of acquiring any airport facilities through the issuance of revenue bonds in the same manner and under the same conditions as are provided in this chapter for governmental units, and for that purpose the board shall have all the powers and duties that are granted to or imposed upon governmental units and the legislative bodies thereof.

(2) The board may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "governmental agency" means the board and the term "public project" means airports and airport facilities.

Section 37. (1) The board may contract with any person or governmental agency for the use of the airport. Such contract shall not prevent, restrict or hamper the general use of the airport by the public.

(2) All unpledged or surplus revenue derived from use of the airport shall be first applied to the maintenance of the airport. A

governmental unit may expend funds for this purpose out of its general funds or any other available funds.

Section 38. The title to all property acquired by the board may vest in the board or in the governmental unit or in the department. All property acquired for the establishment and maintenance of an airport shall be exempt from taxation to the same extent as other property used for public purposes. All fees charged by the board or collected by the board for the admission to or use of the airport or its facilities shall also be exempt from taxation.

Section 39. For the purpose of defraying the cost of acquiring any airport facilities, either by purchases or construction, the department, may, with the approval of the Governor, borrow money and issue negotiable bonds. A governmental unit may borrow money and issue negotiable bonds, for the same purposes, but only after an ordinance or resolution has been adopted by the legislative body specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear. The ordinance or resolution shall further provide that the airport facilities are to be acquired pursuant to the provisions of Section 39 to Section 51.

Section 40. Where a city and county or governmental unit are acting jointly, any action contemplated by Section 39 to Section 51 to be taken by the legislative body or bodies of the governmental unit, shall be taken by ordinance of the city legislative body or bodies and parallel or companion resolution of the county legislative body or bodies.

Section 41. The bonds may be issued to bear interest at a rate not to exceed six percent per annum, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding twenty-five years from date thereof.

Section 42. Bonds issued pursuant to Section 39 to Section 51 shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purpose the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the legislative body of the governmental unit or the department of finance deems best. In no event shall any bonds be negotiated on a basis to yield more than six per cent. The bonds shall be payable solely from the revenue derived from airport facilities or taxes levied for airport development and shall not constitute an indebtedness of the governmental unit or the Commonwealth within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of Section 39 to Section 51 and that it does not constitute an indebtedness of the governmental unit or the Commonwealth within the meaning of the Constitution.

Section 43. All money received from the bonds shall be applied solely for the acquisition of the airport facilities, and the necessary expense of preparing, printing and selling said bonds, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds.

Section 44. If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the airport facilities on behalf of the air board, governmental unit or the Commonwealth with power to charge and collect rates, charges and fees sufficient to provide for the payment of any bonds or obligations outstanding against the airport facilities, and for the payment of operating expenses, and to apply the income and revenue in conformity with Section 39 to Section 51.

Section 45. At or before the issuance of bonds the legislative body of the governmental unit shall, by ordinance or resolution, set aside and pledge the income and revenue of the airport facilities into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The ordinance or resolution shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds and the proportion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the airport facilities. The rates and fees to be charged for the services of the airport facilities shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the airport facilities and an adequate depreciation account. The provision of Section 37 (2) that the money derived from the use of the airport shall be first applied to the maintenance of the airport shall not apply in the case of airport facilities for which revenue bonds have been issued under Section 39 to Section 51.

Section 46. If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the airport facilities during the remainder of the calendar, operating or fiscal year, and during the succeeding like year, any excess over such amount may be transferred at any time by the legislative body of the governmental unit to the depreciation account, to be used for improvements, extensions or additions to the airport facilities.

Secton 47. The funds accumulating to the depreciation account shall be expended in balancing depreciation in the airport facilities or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the legislative body of the governmental unit may designate, and if invested the income from such investment shall be carried into the depreciation account.

Section 48. The governmental unit may issue new bonds to provide funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by Section 39 to Section 51. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

Section 49. If the legislative body of the governmental unit finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

Section 50. Any governmental unit acquiring any airport facilities pursuant to the provisions of Section 39 to Section 51 may, at the time of issuing the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary. Bonds placed in escrow shall, when negotiated, have equal standing with the bonds of the same issue.

Section 51. Section 39 to Section 50 shall constitute a method for the acquisition of airport facilities by governmental units or the Commonwealth in addition or as an alternate to any other method authorized by statute. It is intended to authorize the acquisition of additional facilities for an airport acquired under authority of Section 33 as well as the original acquisition of land and other facilities for an airport. Governmental units shall have all authority conferred by Section 33 for the acquisition of airport facilities. Except as otherwise provided in Section 39 to Section 50, the provisions of Section 33 to Section 38 shall apply to the operation of airport facilities acquired under Section 39 through Section 50.

Section 52. There is hereby created and established within the department, a Commission to be known as the "Kentucky Airport Zoning Commission" which, notwithtsanding the provisions of Chapter 100 and 147 of the KRS, shall be empowered to issue such orders, rules and regulations pertaining to use of land within and around all publicly owned airports within the state as will promote the public interest and protect and encourage the proper use of such airports and their facilities .

Section 53. (1) Such Commission shall consist of nine members, with one appointed from each congressional district of the state and the Commissioner of Aeronautics who shall be the ex-officio chairman of such Commission. The members of such Commission shall be appointed by the Governor for a term of four years. The members shall serve for a term of four years, and until their successors are appointed, provided however that the first two members appointed shall serve for a term of one year; the next two for two years; the next two for three years; and the final two for four years. Upon the expiration of the first terms, successors shall be appointed for a term of four years.

(2) Each member shall be a resident of the congressional district from which he is appointed and shall be a person experienced in and familiar with the field of aeronautics.

(3) Members of the Commission shall serve without compensation except that they may be reimbursed for travel expenses and other reasonable expenses incident to performance of their duties.

Section 54. The Commission shall be a body politic and corporate with the usual corporate attributes, including, but not limited to the power to sue and be sued, contract and be contracted with and to do all things reasonable or necessary to effectively carry out the duties prescribed. It shall meet on the call of the chairman or four or more members. A quorum shall consist of four members.

Section 55. The Franklin Circuit Court shall hold concurrent venue with the courts of this Commonwealth in all civil and injunctive actions instituted by the Commission for the enforcement of applicable statutes, rules, regulations and orders issued.

Section 56. All of the powers, provisions and duties relating to the zoning and use of land, structures and air space within and around public airports within the state are hereby conferred upon, delegated to and vested in the Commission. The Commission shall also exercise all powers, provisions and duties relating to the use of navigable air space within the state.

Section 57. It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in the vicinity, and in effect reduces the size of the area available for landing, taking off and maneuvering of air craft, thus tending to destroy or impair the utility of the airport and the public investment therein, and therefore such hazards are not in the interest of the public health, public safety or general welfare. It is further found that any obstructions to the use of navigable air space destroy and impair the safe use of such air space thereby endangering aircraft and are not in the interest of the public health, public safety or general welfare.

Section 58. (1) The Commission shall require that every public airport in the state file with it, from time to time, as required, maps showing the airport and area surrounding such airport used for approach or landing purposes. The Commission shall thereafter designate on such maps, by reference to the Technical Standard Orders of the Federal Aviation Agency concerning the area required for the safe maneuvering, approach and landing of aircraft, the area over which jurisdiction will be assumed for zoning purposes. The Commission shall notify any local zoning bodies of the area so designated and shall exercise exclusive jurisdiction of such area insofar as it pertains to the safe and proper manuevering of aircraft and the safe and proper use of the airport involved. The local zoning body may retain jurisdiction of zoning in such areas as to all other matters.

(2) The Commission may adopt such regulations pertaining to the zoning of areas over which jurisdiction is assumed as will provide for the proper and safe use of such area and airport.

(3) The Commission shall maintain a public file in the offices of the department showing maps of each public airport within the state and the area around such airport over which it has assumed jurisdiction for zoning purposes and such shall constitute public notice of the restrictions and zoning applicable to such areas or airport. The Commission shall also maintain a public file showing any regulations adopted pertaining to land uses in areas zoned and such shall constitute public notice of same.

Section 59. In addition to considering the Technical Standard Orders of the Federal Aviation Agency in zoning the use of land and structures in areas over which jurisdiction is assumed, the Commission shall consider among other things the safety of airport users and surface persons and property, the character of flying operations conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the views of officials of the Federal Aviation Agency as to the safe approaches required for operations at the airport, the future development of the airport including extensions to runways that may be required, the density of dwellings that may safely be permitted in the area, protection of the public investment in the airport and its facilities, the interest of the public in developing a sound public air transportation system within the state and the views and opinions of those owning land in such areas.

Section 60. When the Commission has assumed zoning jurisdiction over an airport and surrounding area by appropriate regulation and the filing of a map with the zoning boundaries marked thereon, no person shall thereafter change, modify or alter the use of any land or structures within such area for a purpose inconsistent with the applicable zoning regulations established by the Commission except upon application to the Commission for a special permit to do so. The Commission shall, before issuing any such permit, give consideration to the standards set out in the preceding section.

Section 61. The Commission shall establish by regulation the maximum height to which any structure may be erected within the navigable air space of the state. In establishing such maximum heights, the Commission shall consider, among other things, the Technical

Standard Orders of the Federal Aviation Agency, the terrain involved, the location of the structure in relation to airports, the safety of aircraft, the safety of surface persons and structures, the future development of the area involved, the density of population and dwelling within the area involved, the interest of the public in developing a sound public air transportation system within the state and the interest of the person desiring to erect such structure, except that upon application to the Commission, special permission may be granted to exceed such heights. The Commission, shall before issuing any such permit, give consideration to the standards set out herein.

Section 62. Any person may petition the Commission for a hearing regarding any regulations adopted or orders issued and upon receipt of such petition, the Commission shall convene and hear the matter. It shall thereafter vote on the matter, and issue its order based on the decision of the majority of the members present. Appeals from action or orders of the Commission may thereafter be prosecuted under the procedure set out in Section 31.

Section 63. In any case in which it is desired to remove, lower or otherwise terminate a nonconforming use; or the approach protection necessary cannot, because of unconstitutional limitations, be provided by zoning regulations; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by zoning regulations, the department, Commission, air board or boards, or governmental unit may acquire by purchase, grant, condemnation or otherwise, such air right, easement, or other estate or interest in the property or nonconforming use in question as may be necessary to effectuate the purposes of this chapter.

Section 64. In addition to any other penalty prescribed in this chapter, the Commission may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this chapter or of any zoning regulations adopted, or of any order or ruling made in connection with their administration or enforcement.

Section 65. In carrying out the purposes of Section 65 through Section 75 the department shall consider the views and recommendations of the Department of National Defense, or any agency of the United States Government subordinate thereto, to the end that the airport development included in such plan may be as useful for national defense as is feasible.

Section 66. The Kentucky Department of Aeronautics, any governmental unit, or the department together with any governmental unit may contract with the Federal Government in regard to the development of airports under any Act of Congress providing federal aid to the states in airport development.

Section 67. The department may contract with a board, governmental unit or other person, and a board or governmental unit may contract with the department or any person in regard to the development of airports and other aeronautical matters.

Section 68. In order to bring about, in conformity with the National Airport Plan prepared and from time to time revised as provided in the Federal Airport Act, the establishment of a statewide system of public airports adequate to meet the present and future needs of civil aeronautics, the department is authorized to render financial assistance by grant or loan or both to any governmental unit in the development of an airport owned or controlled or to be owned or controlled by such governmental unit out of appropriations made by the General Assembly for such purposes. Such financial assistance may be furnished in connection with federal aid, local or other funds available for airport purposes.

Section 69. (1) The development of airports in the state may be undertaken and the cost of such development may be borne as follows:

(a) Airports may be developed by the Commonwealth of Kentucky or by the Commonwealth of Kentucky and the United States Government in cooperation and, when so undertaken, the cost of such development may be borne entirely by the Commonwealth of Kentucky, or by the Commonwealth of Kentucky and the United States Government, or by the United States Government.

(b) Airports may be developed by a governmental unit or air board or boards and the Commonwealth of Kentucky and, when so undertaken, the cost of such development may be borne by the governmental unit or air board or boards and the Commonwealth of Kentucky.

(c) Airports may be developed by a governmental unit or air board or boards and the United States Government, and, when so undertaken, the cost of such development may be borne by the governmental unit or air board or boards and the United States Government.

(d) Airports may be developed by a governmental unit, an air board or boards, the Commonwealth of Kentucky and the United States Government and, when so undertaken, the cost of such development may be borne by the governmental unit, the air board or boards, the Commonwealth of Kentucky and the United States Government.

(2) Whenever state funds are used or sought to be used in the development of an airport in the state, the State Treasury shall be designated as the depository for all funds of governmental units, the United States Government, the Commonwealth of Kentucky, and private contributions pledged, contributed, loaned, made available, given or allocated for the development of such airport. Provided, however, the department may disregard the provisions of this subsection if such be necessary in order to comply with any law or regu-

lation of the Federal Government. In all other instances of airport development, the governmental unit may designate its own depository for all funds of the governmental unit, United States Government, and private contributions pledged, contributed, loaned, made available, given or allocated for such airport development.

Section 70. The department may set apart out of moneys appropriated to it for state airport development an amount equal to any sum allotted to the state by the Federal Government or any sum necessary to carry on cooperative work with the Federal Government.

Section 71. As a condition precedent to the expenditure of any state funds for the development of any airport in the state, the department may require that the governmental unit or air board or boards shall have, or be in a position to acquire, all lands or other property interests which in the judgment of the department are necessary for the development of the airport.

Section 72. The department shall not expend any funds appropriated or made available by the state for the development of public airports, upon any private airports.

Section 73. Whenever state funds are used, or sought to be used, all governmental units or air boards in this state, whether acting alone or jointly with another governmental unit or board or with the United States Government or with the state, shall comply with the terms of Section 65 through Section 75 and all rules and regulations adopted thereunder, and secure the approval of the department.

Section 74. The provisions of KRS 56.030 do not apply to land or interest in land or easements thereon partly or wholly paid for out of state funds used in the construction, alteration, or development of public airports in the state.

Section 75. There is hereby created in the State Treasury a special fund to be known as the "Kentucky Airport Development Fund." All moneys deposited or paid into this fund, including repayment of any loans made therefrom, are appropriated and shall be available to the department for the purposes of Section 65 through Section 74. All moneys in such fund shall be expended solely for the development of airports or administrative cost incidental to the development of airports. No portion of this fund may be used for airport development administrative purposes or for the purchase of aircraft in any year unless the transfer of such funds is approved by the Governor. The fund shall consist of all money appropriated by the state and all money received from the United States or from any other source for the purpose of airport development. All moneys in the Kentucky Airport Development Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that any balance in this fund shall not lapse at any time but shall be continuously available to the department for the purposes of carrying out the provisions of Section 65 through Section 74. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this fund.

Section 76. (1) There shall be a Division of Civil Air Patrol in the Department of Aeronautics. The division shall consist of the Kentucky Wing of the Civil Air Patrol and such other units and personnel as are added by administrative order.

(2) The commanding officer of the Kentucky Wing of the Civil Air Patrol shall be ex officio the director of the division.

Section 77. The division shall perform emergency disaster work within the Commonwealth in all instances in which aeronautical equipment and maneuvers might be of assistance in relieving the disaster, and shall engage in all manner of air search and rescue for which the Civil Air Patrol is fitted. The director may establish facilities for aeronautical education and training.

Section 78. The commissioner of Aeronautics shall coordinate the activities of the division with the federal government and any of its agencies in all matters relating to aeronautical training and education, communications, rescue work, mercy missions, aerial observation, establishment of navigational aids, and other functions within the scope of activity of the Civil Air Patrol.

Section 79. No portion of moneys appropriated for the division of the Civil Air Patrol shall be expended without the approval of the Commissioner of Aeronautics nor shall they be expended for the payment of compensation to members of the Civil Air Partol or the purchase of uniforms for any member of the Civil Air Patrol.

Section 80. (1) The department may purchase necessary insurance to provide adequate protection for the public; its authorized pilots and employees; pilots employed by other departments of state government; aircraft owned, leased or operated by the department; aircraft owned, leased or operated by other departments of state government; the health and lives of persons being transported in aircraft owned, leased or operated by authorized pilots employed by the state.

(2) The Commissioner of Insurance, upon recommendation of the Commissioner of Aeronautics, shall initiate and be responsible for the purchase of such insurance. If other departments of state government desire that their pilots, employes, aircraft and passengers shall be insured under such policy, then the Commissioner of Insurance shall pro-rate the cost of the insurance among the departments participating.

(3) Each policy shall contain a provision reciting that the

defense of immunity of the state against such liability shall be waived, but only to the extent of the limits of the policy. Judgment against the state in any case shall not exceed the limits of the policy. The venue of action shall be as provided by the civil rules. The limits of liability of the policy shall be determined by the Commissioner of Insurance, the Commissioner of Aeronautics and the Commissioners of any other participating department.

(4) Any policy purchased under this section, shall be purchased only from insurers authorized to do business in this state and shall be countersigned by a licensed resident agent.

Section 81. The Commissioner of Aeronautics may appoint a board to be known as the "Capital City Air Board" to advise with the Commissioner in the supervision and operation of the Capital City Airport, owned by the state and located at Frankfort. Such board, if appointed, shall consist of five members, who shall serve for such terms, not exceeding four years, as may be fixed by the Commissioner, and who shall be removable at the will of the Commissioner. The Commissioner shall serve as chairman of the board, and the board shall meet at the call of the chairman. Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred in the conduct of the affairs of the board.

PENALTIES

Section 82. (1) Any person violating any of the provisions of this chapter with respect to operation of aircraft shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned not more than ninety days or both.

(2) Every person coming within the provisions of Section 24 through Section 30 and every officer, agent or employe of the holder of any certificate issued under Section 24 to Section 30 and every other person who violates or causes, aids or abets any violation, of any order, rule or regulation lawfully issued pursuant to the authority granted by Section 24 to Section 30 shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. The prosecution may be had in the circuit court of any county in which the offense or any part thereof shall have occurred.

(3) Each violation of the statutes pertaining to the State Airport Zoning Commission or of any order, rule or regulation promulgated pursuant thereto shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days or both, and each day a violation continues to exist shall constitute a separate offense.

Section 83. If any section, paragraph, sentence or clause of this Act is invalid, the invalidity thereof shall not affect the validity of the remaining sections, paragraphs, clauses and sentences hereof.

HB 431, AN ACT relating to airports.

WHEREAS, it is deemed essential that a satisfactory method of financing be provided for the acquisition, construction and improvement of airports and airport facilities throughout the State of Kentucky.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commission" means the State of Kentucky Airport Development Commission created herein.

(2) "Airport project" includes the construction, re-construction and structural maintenance of airport buildings, sites, the installation of runways, utility services, the purchase and installation of equipment, and facilities and furnishings of a permanent nature for airports. It shall also be deemed to mean a public project as defined in KRS Chapter 58.

(3) "Bonds," or the words, "Commonwealth of Kentucky Airport Development First Mortgage Revenue Bonds," shall mean airport development first mortgage revenue bonds of the Commonwealth of Kentucky issued in accordance with the provisions of this Act.

(4) "Agency" means any city or county of the Commonwealth of Kentucky, acting individually, or jointly with another city or county, through its governmental body.

(5) "Sinking Fund" means a fund to be set aside and held separate and apart from all other funds of the State or of the Commission, into which all of the income and revenues of an airport project, including rents, royalties, fees and proceeds of sale of airport property, are to be deposited and earmarked to meet the principal and interest requirements on any bonds issued under this Act.

(6) "Sinking Fund Reserve" means a fund to be set aside and held separate and apart from all other funds of the State or of the Commission, to be held as a reserve against any default in principal or interest payments on such bonds, and to be earmarked, to the extent not otherwise used, to payment of requirements on such bonds during the latest years of maturities thereof, as may be specified in the instruments provided for in this Act.

(7) "Cost" means the cost of acquiring such airport projects, any advertising expenses in connection therewith, the cost of construction, fees of Architects and Engineers, the cost of builders, risk insurance and liability insurance of the type customarily carried by owners or builders, the cost of preparing, issuing, selling or exchang-

ing first mortgage revenue bonds as provided for in this Act, any capitalized interest expense during an initial period of not exceeding three years, to any extent needed during a period necessary to complete the construction of any airport project, a Sinking Fund Reserve, and shall further embrace and include all expenses, including legal fees, in connection therewith.

Section 2. (1) There is hereby created, as an independent agency of the State within the meaning of Chapter 12 of the Kentucky Revised Statutes, a State of Kentucky Airport Development Commission, composed of the Commissioner of Aeronautics, who shall be Chairman thereof, the Governor, the Commissioner of Finance and the Attorney General.

(2) No member of the Commission shall receive any salary, fee or other remuneration for his services as a member of the Commission, but each member shall be entitled to be reimbursed for his ordinary travelling expenses, including meals and lodging, incurred in the performances of his duties.

Section 3. The Commission shall have the power and duty:

(1) To determine the comparative needs and demands for airport facilities by various cities and counties in the state.

(2) To expend the capital outlay appropriation made available to it by the Commonwealth of Kentucky, for the purpose of acquiring real estate for building projects for airport purposes, and for matching Federal funds as same may be available under any Federal law now existing or hereafter enacted, for the purchase, construction, improvement or repairing of airports and airport facilities.

(3) To purchase, lease (with or without option to renew), rent, pledge the revenues of, or mortgage such real estate as the Commission may find to be necessary for use for airport purposes, upon such terms and conditions and for such consideration as may appear to the Commission to be fair and reasonable.

(4) To issue and sell its first mortgage revenue bonds in order to carry out any of the foregoing.

Section 4. For the purpose of defraying the cost of any airport project or projects, the Commission may accept gifts from any source and may borrow money from any agency of the Federal Government, or it may issue and sell its first mortgage revenue bonds, after adopting a resolution specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear, not exceeding six per cent (6%) per annum. Such bonds issued by the Commission can be issued, sold or exchanged as provided for in this Act, or as provided in KRS Chapters 56 and/or 58, or by other laws.

Section 5. Whenever any agency shall request the Commission to finance an airport project under this Act, such agency and the

Commission may then proceed to acquire such project as follows:

(1) The parties shall arrange for the purchase of a satisfactory site, agreeable to both parties, by the Commission.

(2) The parties shall enter into an agreement to be known as a "Contract, Lease and Option," which shall provide, aliunde, the following:

(a) The Commission shall issue its bonds to finance the project, which bonds shall be secured by a mortgage lien against the project and by an assignment of all rentals and revenues therefrom.

(b) The Commission shall lease such project to the agency for a term of not exceeding one year from the estimated date of completion of the project, with the agency (or any of two or more co-tenant agencies) having the exclusive right and option to extend the term of the lease from year to year, for periods of one year at a time, for an agreed period, not exceeding thirty years.

(c) The rentals prescribed therein for the original term and for each of the full number of years for which the lease may be extended shall be not less than the amounts required in each of such years to amortize the total cost of the project, as evidenced by the amount of bonds issued to defray the cost thereof, and may include, in any specified years, such additional amounts as the parties may deem advisable to create or supplement any special funds.

(d) The agency shall agree, in each effective year of the lease, to maintain, operate and insure the project.

(e) Whenever the Commission has been paid sufficient funds, or has sufficient funds on hand, to retire or redeem all of the bonds issued to finance such project, through rentals payments by the agency, or whenever all of such bonds have been retired or redeemed by any lawful method, the Commission shall convey and transfer to the agency an unencumbered title to such project, and shall transfer to the agency any balances then remaining in the Sinking Fund, in the Sinking Fund Reserve, and in any other funds maintained in connection with the project.

(f) That in the event of failure by the agency to renew the lease or failure to pay any of the rentals prescribed therein, said Contract, Lease and Option shall be immediately terminated, and all rights of the agency thereunder and to the airport project shall be terminated and forfeited to the Commission, subject to the provisions of Section 9 (2) hereof.

(g) Any other reasonable provisions and stipulations deemed necessary and desirable.

(3) The Commission shall enter into an agreement, to be known as a Mortgage Deed of Trust, with a Trustee, which shall be a Kentucky bank, having trust powers, which is insured by the Federal Deposit Insurance Corporation, which instrument shall provide, aliunde, as follows:

(a) That bonds shall be issued to finance the project.

(b) The date, maturities (not exceeding thirty years), prior redemption provisions, if any, form of the bonds and terms and conditions of the public sale of the bonds.

(c) The security for the bonds, which shall include the following:

(1) A first mortgage lien against the airport project.

(2) A pledge of the revenues of the project, to be set aside and pledged into the Sinking Fund, and the Sinking Fund Reserve, as special funds, to be deposited with the Trustee, and used to meet the principal and interest requirements of the bonds as may be designated in such instrument.

(3) An assignment to the Trustee for the benefit of the bondholders, of all rentals payable to the Commission under the Contract, Lease and Option.

(d) The rights of bondholders in the event of default, which rights may include the appointment of a Receiver, with powers similar to those set out in KRS 58.060, and may include the rights generally of holders of real estate mortgages under the laws of the State of Kentucky.

Section 6. All bonds issued under the provisions of this Act shall have the qualities of negotiable instruments, and shall not be subject to taxation. If any of the officers whose signatures appear on the bonds or coupons cease to be such officers before delivery of the bonds, the signatures shall nevertheless be valid for all purposes the same as if the officers had remained in office until delivery. The bonds shall be payable solely from the revenues or proceeds derived from the project, and shall not constitute an indebtedness of the Commission or of any of the agencies executing any of such leases, within the meaning of any constitutional provisions or limitations; and it shall be so stated on the face of each bond. The bonds shall be signed by the Commissioner of Aeronautics and countersigned by the Commissioner of Finance, the coupons appertaining thereto shall bear the facsimile signature of the Commissioner of Aeronautics.

Section 7. Any appropriations by the Legislature for airport project purposes may be applied directly toward the cost of such airport projects, may be deposited by the Commission in the Sinking Fund Reserve, or may be applied to redeem bonds in advance of maturity in accordance with the bond proceedings. All money received from the proceeds of any bonds issued under this Act shall be used solely in payment of the cost of such airport project as defined in this Act.

Section 8. If the Commission shall create a Sinking Fund Reserve, as defined in this Act, out of the proceeds of the sale of any bonds, such Reserve, including such additional amounts as may be deposited therein from other sources, shall be maintained by the Commission separate and apart from all other funds of the Commission, except that sums shall be transferred therefrom to the Sinking

Fund if and to any extent required at any time to prevent default in the payment of principal or interest on any of said bonds, or whenever the total amount on deposit in said Reserve Fund is sufficient to retire or redeem all of the principal and interest requirements on the outstanding bonds, but no transfer or withdrawal shall be made for any other purpose. It may be provided that in the event of any withdrawals from the Sinking Fund Reserve, any deficiency in the amount agreed to be maintained therein shall be restored by the Commission as soon as revenues are sufficiently available to enable it to do so. Such Sinking Fund Reserve may be invested in obligations of the United States Government having maturities not in excess of five years, or may be invested or deposited in accounts insured by the United States Government, until needed, as the Commission may determine.

Section 9. (1) The Commission may issue a separate bond issue to finance the cost of an airport project for any individual agency, may finance the cost of airport projects for two or more agencies by one or more bond issues, may finance the cost of a single airport project for two or more agencies by one or more bond issues, with such two or more agencies being co-tenants on any Contract, Lease and Option of the type herein provided, and the Commission may receive and set on bids for more than one bond issue at the same time.

(2) Separate records shall be maintained by the Commission with reference to rentals payable by any two or more agencies, either with reference to a single airport project or with reference to two or more projects, provided that a failure by any individual agency to renew a lease, or participate in the renewal of a lease, of the type prescribed in this Act, or to pay a rental, or to pay its share of a rental, for any effective period thereof, shall not have the effect of terminating other leases of other airport projects of other agencies which have not failed to renew their leases or to pay the prescribed rentals thereunder, and rights of bondholders prescribed in Section 5 (f) are subject to the foregoing.

(3) In the event of failure by one of two or more co-tenant agencies, on a single joint lease with reference to a single airport project, to renew such lease or to pay the rental prescribed thereunder, the rights of such party thereunder shall be terminated, and the joint lease of the co-tenants will be terminated, provided, however, that the other co-tenant or co-tenants under such lease shall have the option to renew, to pay the full rentals prescribed therein, and to assume all of the rights and obligations of the co-tenants under said lease, including the ultimate right to acquire title to the project.

(4) Upon termination or cancellation of the lease of any airport project, the Commission shall immediately cause such project to produce revenues or proceeds from other sources, and shall apply any amounts in the Sinking Fund and in the Sinking Fund Reserve, to prevent any of the bonds from being in default.

Section 10. The Commission may cooperate with any agency in the issuance of one or more separate bond issues to finance extensions, additions or improvements to any individual airport project from time to time, subject, of course, to the provisions of the Mortgage Deed of Trust authorizing any outstanding bonds.

Section 11. Any holder of the bonds, or any of the coupons, may, either at law or in equity, protect and enforce the lien, and may by action enforce and compel the performance of all duties provided in this Act.

Section 12. The Commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure prescribed for the issuance of the original bonds. The refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which are refunded.

Section 13. The provisions of this Act are additional and alternate methods for the financing of airport projects and do not include, alter, amend or repeal any other statute. No proceedings shall be required for the acquisition of any airport project, or the issuance of bonds under this Act, except as are prescribed by this Act.

Section 14. If any section, paragraph, sentence or clause of this Act is invalid, the invalidity thereof shall not affect the validity of the remaining sections, paragraphs, clauses and sentences hereof.

HB 434, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 44.055 of the Kentucky Revised Statutes is hereby amended to read as follows:

Section 1. (1) Any state agency, as defined in KRS Chapter 12, may in its discretion, for the protection of the public and its employes, expend state funds to purchase policies of insurance of all kinds deemed advisable covering vehicles owned by the state and operated by state employes when in the conduct of official business. The Commissioner of Insurance, upon recommendation of the Commissioner of Finance, shall initiate and be responsible for the purchase of a blanket liability insurance policy to cover the officers and employes of the several state agencies and shall determine, by regulation, the policy limits that shall be applicable to the persons covered in each such affected agency not to exceed the limit prescribed in KRS 44.070.

(2) Nothing contained herein shall be construed to be a waiver of sovereign immunity and claims against the Commonwealth, its

agencies, officers, employes, or insurers may be asserted only in the manner set forth in KRS 44.070 to 44.160.

(3) Policies authorized by this section shall be purchased only from insurers authorized to do business in this state and shall be countersigned by a licensed resident agent.

HB 438, AN ACT relating to absent voting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Mail" means the delivery to a mail carrier or the deposit in a letter box or post office of a letter, with postage prepaid.

(2) "Abroad" means outside of the continental limits of the United States of America.

(3) "United States Services" means:

(a) Members of the Armed Forces while in the active service, and their spouses and dependents.

(b) Members of the merchant marine of the United States, and their spouses and dependents.

(c) Civilian employees of the United States in all categories serving outside the territorial limits of the several States of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

(d) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

Any absent voter may, at any time not less than fifteen days before an election, make an application in writing and by mail, on the form prescribed in KRS 126.160 or on form 76 issued under 5 USCA 2184, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

Section 3. (1) On the 14th day prior to the election and beginning at 2:00 p.m., the County Board of Election Commissioners and the County Clerk, together with interested candidates or their representatives, and representatives of news media, shall examine all applications for an absent voter's ballot for the purpose of determining the voter's right to make application, as well as the validity of the form and method of submitting the application itself. The County Clerk shall have the registration records at the meeting. The County Clerk shall read the name of each applicant aloud, and the applicant and his application may be challenged by anyone present. The Board shall determine whether or not each application shall be accepted or rejected, and in so doing shall check the applicant's signature with his signature on the registration record and in the comparative signature books unless the applicant qualifies for absentee registration under this Act. If the application is rejected it shall be so marked and the voter notified of this fact and the reasons therefor. No ballot shall be sent in response to a rejected application or prior to the examination provided for in this section.

(2) The provisions of subsection (1) of this section shall not apply to applications submitted by members of the United States Services.

(3) The county clerk shall, however, retain the envelope or post card used by any member of the United States Services for inspection and examination.

Section 4. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before a civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election. Except as provided in Section 2 of this Act, the application shall be substantially in the following form:

"County Court Clerk of ---------------------------- County, --------------------, Kentucky.

"I, --------------------, state that I am a resident of the state of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of --------------------, County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the ---- day of --------------------, 19----, and will not vote elsewhere at said election, and am a resident of ------------ precinct of said county (or -------- Ward of the city of --------------, county of --------------------), and have been such for at least sixty days prior to said date; that I reside at ------------, (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the date of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the ------------------- political party; I request that an official ballot be mailed to me at the following address:

(Name and address)

(Rank and Unit if member of Armed Forces)

(Department of United States Government if an employe or the wife of an employe stationed abroad)

(Voter must sign here, and oath must be administered and attested).

"Subscribed and sworn to before me this ---------- day of --------------------, 19----.

(Name and Official Title)"

Section 5. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the United States Services who must remain away from his legal residence, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the United States Services who must remain away from his legal residence, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to re-register in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the United States Services may be administered and attested by any commissioned officer in

the active service of the Armed Forces, or any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, or any civilian official empowered by State or Federal law to administer oaths.

Section 6. Section 126.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county court clerk of each county shall cause to be prepared and printed an appropriate number of outer envelopes for absent voter's ballots, which shall bear the words "Absent Voter's Ballot" and shall also bear the address and official title of the county court clerk.

(2) The county clerk shall also cause to be printed an appropriate number of outer envelopes for United States service absent voter's ballots. The county court clerk shall insure that there be printed across the face of each United State service absent voter's outer envelope two parallel red horizontal bars, each ¼″ wide, extending from one side of the envelope to the other side with an intervening space of ¼″, the top bar to be 1¼″ from the top of the envelope, and with the words "OFFICIAL ELECTION BALLOTING MATERIAL —VIA AIR MAIL" or similar language between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of United States Postage, Including Air Mail", that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each envelope, the address and official title of the County Court Clerk.

Section 7. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter --
Residence (street and number, if any) --------------------------
----
County of --
City or town of ---

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least eighteen years or will be on the day of the election to be held on the ------ day of ------------, 19----, (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of ________________, for more than six months preceding such election, and a resident of ____________, precinct of said County (or ____ ward of the city of ________________, County of ________________) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the ________________ political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

____
(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this ____________ day of ____________________________.

____
(Offical Title)

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 8. Section 126.230 of the Kentucky Revised Statutes is amended to read as follows:

When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election, and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

HB 439, AN ACT providing for reorganizing and simplifying certain departments of State Government for the purpose of better service and economy; providing for the departments and the independent agencies therein specified; assigning and redistributing among them the powers and duties of existing offices, departments, boards, commissions, institutions and other agences; abolishing certain offices, departments, boards, commissions, institutions, and other agencies; transferring certain others; creating others; defining the organization, powers and duties of offices, departments, boards, commissions and other agencies that are hereby created or retained and providing for their coordination; fixing methods of appointments and election to office, terms of office and salaries, and defining duties of, qualifications for, and methods, of removal from, offices and positions; fixing certain fees; repealing all laws and parts of laws in conflict with the provisions of the Act; appropriating funds for carrying out the purposes of this Act; and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I. ADMINISTRATIVE DEPARTMENTS

Section 12.020 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided by law, the functions of the state are divided among the constitutional administrative departments, statutory administrative departments and independent agencies as follows:

I. Constitutional Administrative Departments:
  1. The Governor.
  2. Department of State.
  3. Department of Law.
  4. Department of Treasury.
  5. Department of Agriculture, Labor and Statistics.
  6. Department of Education.
  7. Department of Military Affairs.

II. Statutory Administrative Departments:
  1. Department of Finance.
  2. Department of Personnel.
  3. Department of Revenue.
  4. Department of Highways.
  5. Department of Welfare.
  6. Department of Health.
  7. Department of Mental Health.
  8. Department of Industrial Relations.
  9. Department of Mines and Minerals.
  10. Department of Aeronautics.
  11. Department of Banking.
  12. Department of Fish and Wildlife Resources.
  13. Department of Alcoholic Beverage Control.
  14. Department of Conversation.
  15. Department of Public Relations.
  16. Department of Economic Development.
  17. Department of Economic Security.
  18. Department of Motor Transportation.
  19. Department of Insurance.
  20. Department of Public Safety.
  21. Department of Child Welfare.
  22. Department of Parks,

III. Independent Agencies:
  1. Auditor of Public Accounts.
  2. Board of Election Commissioners.
  3. Board of Registration and Purgation.
  4. Railroad Commission.
  5. State Racing Commission.
  6. Public Service Commission.
  7. County Debt Commission.
  8. State Property and Buildings Commission and all other agencies that are by statute designated as independent agencies.

ARTICLE II. REMOVAL OF OFFICERS APPOINTED BY THE GOVERNOR

Section 63.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this article and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the Executive Journal removing the officer.

(2) Members of the Board of Trustees of the University of Kentucky, members of the Board of Regents respectively of Eastern Kentucky State College, Kentucky State College, Morehead State College, Murray State College, and Western Kentucky State College, and members of the State Board of Education may not be removed except for cause.

ARTICLE III. DEPARTMENT OF LAW

Section 1. The Attorney General may promulgate and file with the Legislative Research Commission those rules and regulations which will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law by law.

Section 2. (1) The Attorney General, with the approval of the commissioner of the department or the commission involved shall appoint an Assistant Attorney General for the Department of Highways, for the Public Service Commission, for the Department of Revenue, and for the Railroad Commission.

(2) The assistant attorneys general and additional attorneys provided for in subsection (1) of this section shall each be a person admitted to the practice of law by the Court of Appeals of this Commonwealth and shall qualify by taking the oath of office. They shall be paid out of the appropriation or other funds of the respective department or commission to which they are assigned.

Section 3. The Attorney General, when requested in writing, under KRS 15.020, shall furnish such opinions subject to the following conditions:

(1) When questions of law of interest to the Commonwealth are submitted by a state department, agency, board or commission;

(2) When public questions of law are submitted by either house of the Legislature or by any member of the Legislature;

(3) When public questions of law pertaining to local government are submitted in writing by the proper public official of the county or other political subdivision of the Commonwealth;

(4) When, in the discretion of the Attorney General, the question presented is of such public interest that an Attorney General's opinion on the subject is deemed desirable and when provided for by regulation pursuant to the provisions of this section.

Section 4. Section 12.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor, or any department with the approval of the Governor, may employ and fix the term of employment and the compensation to be paid to an attorney or attorneys for legal services to be performed for the Governor or for such department. Before approving the employment of an attorney the Governor shall consult the Attorney General as to whether legal services requested by departments are available in the Attorney General's office. The compensation and expenses of any attorney or attorneys employed under the provisions of this section shall be paid out of the appropriations made to such department as other salaries, compensation and expenses are paid, except when the terms of employment provide that the compensation shall be on a contingent basis, and in such event the attorneys may be paid the amount specified out of the moneys recovered by them or out of the General Fund. If the Governor approves the employment, the terms of employment shall be duly entered by Executive Order upon the Executive Journal in the office of the Secretary of State.

(2) An attorney may be employed pursuant to the provisions of subsection (1) of this section to render legal services for one or more departments, boards, agencies or commissions.

Section 5. Section 15.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Attorney General shall appoint a Deputy Attorney General who shall qualify as required by law, to serve at the pleasure of the Attorney General, and such assistants and special attorneys as he deems necessary to transact the business of the Department of Law, and perform such duties as he may designate. The deputy attorney general, assistants, and special attorneys shall have full power, as authorized and under the direction of the Attorney General, to perform such duties as may be performed by the Attorney General. The Attorney General shall be responsible for the official acts of his deputy, assistants, and special attorneys.

(2) In addition to the appointment and designation of assistants

and special attorneys pursuant to subsection (1) of this section, the Attorney General may enter into such contracts for legal services as he deems necessary and advisable.

(3) Each assistant or special attorney so appointed or designated shall be a person admitted to the practice of law by the Court of Appeals of this Commonwealth and shall qualify by taking the oath of office.

Section 6. Section 15.115 of the Kentucky Revised Statutes is amended to read as follows:

The Attorney General, with the approval of the Commissioner of Highways, may appoint additional attorneys to aid the Assistant Attorney General assigned to the Department of Highways. The salary of each such attorney shall be payable out of the State Road Fund.

Section 7. Sections 15.110, 15.120, and 15.140 of the Kentucky Revised Statutes are hereby repealed.

ARTICLE IV. DIVISION OF SURPLUS PROPERTY

Section 1. There shall be established a Division of Surplus Property in the Department of Education.

Section 2. The Division of Surplus Property is authorized and empowered to receive, warehouse, and distribute surplus property under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, and other federal laws relating to surplus property. The division shall comply with federal laws and regulations in the administration of surplus property received through federal agencies, and shall establish with the approval of the State Board of Education such rules and regulations necessary for compliance with minimum standards established therein.

Section 3. All functions, personnel, funds, records, equipment, and facilities heretofore in the Division of Property Utilization shall be transferred to the Division of Surplus Property and the Division of Property Utilization is hereby abolished.

ARTICLE V. KENTUCKY SCHOOL FOR THE DEAF

Section 1. The Kentucky School for the Deaf at Danville, Kentucky, shall be managed and controlled by the State Board of Education. The board shall have possession and the responsibility and authority for preservation, repair and control of the buildings and grounds belonging to the state and dedicated to the school. The board may, except as provided in KRS 42.060, sell any property held for the use and benefit of the school, and purchase other property deemed by the board to be suitably and conveniently located, and erect buildings necessary for carrying out the purposes of the school. The board may adopt rules and regulations to carry into effect its powers with respect to the school, and may require from the superintendent of the school any reports and information it desires as to the condition of the school.

Section 2. The State Board of Education may employ, prescribe and direct the duties and conduct of a superintendent, physician, professors, teachers, and all other necessary agents and employes for the Kentucky School for the Deaf. The superintendent shall be a person with at least five years' experience in the education and training of the deaf.

Section 3. (1) There shall be established a Kentucky School for the Deaf Advisory Board composed of five members appointed by the Governor for terms of four years and until their successors are appointed. The board shall elect from its membership a chairman. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in performance of their duties.

(2) The Kentucky School for the Deaf Advisory Board shall act in an advisory capacity to the State Board of Education and the superintendent in conducting the activities of the school.

Section 4. Section 167.130 of the Kentucky Revised Statutes is amended to read as follows:

The persons in charge of any public institution in this state at which the deaf are received for instruction shall, while in session, receive any deaf child sent to the institution, unless it can be shown at the time the institution is taxed to its capacity and there is no room or means of taking care of the child, or that the physical condition of the child is such as to prevent study or to constitute a menace to the health of the other pupils of the institution, or that the child is mentally deficient and incapable of successfully pursuing the prescribed course of study of the institution, or that the habits and practices of the child are such as to constitute a detriment to the welfare of the other pupils of the institution. When a child is received he shall be cared for under the provisions of the statutes regulating the institution and the bylaws prescribed by the trustees or managers for the government of the institution.

Section 5. Section 167.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates KRS 167.090 shall be fined not less than fifty nor more than one hundred dollars for the first offense and not less than one hundred nor more than two hundred dollars for a subsequent offense.

(2) Any person who violates KRS 167.110 shall be fined not more than fifty dollars or imprisoned in the county jail not more than thirty days, or both.

(3) The county courts shall have exclusive jurisdiction of prosecutions for violating KRS 167.090 and 167.110.

Section 6. Sections 167.010, 167.020, 167.030, 167.040, 167.050, 167.060, 167.070, and 167.080 of the Kentucky Revised Statutes are repealed.

ARTICLE VI. STATE LOCAL FINANCE OFFICER

Section 1. All of the functions of the State Local Finance Officer provided in Chapters 66, 68, 103, and 131 of the Kentucky Revised Statutes relating to the issuance of bonds and control of funds of counties, cities, and other local units and county financial administration shall be transferred to the Department of Finance.

Section 2. The records, property, personnel, and any unexpended appropriations balances maintained for carrying out the functions of the State Local Finance Officer shall be transferred to the Department of Finance.

Section 3. Section 66.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever used in KRS 66.290 to 66.390, unless the context requires otherwise:

(a) "Commission" means the County Debt Commission as hereinafter established.

(b) "State Local Finance Officer" means the Commissioner of Finance or his agent designated in writing with the approval of the Governor.

(c) "Fiscal court" means the judge of the county court and the justices of the peace or the judge of the county court and the commissioners of the county.

(d) "Funding bonds" or "funded indebtedness" means bonds issued to fund floating indebtedness, or reissues thereof.

(e) "Road and bridge bonds" means county road and bridges bonds issued under the authorization of Section 157a of the Constitution of Kentucky, or reissues thereof.

(f) "Refunding bonds" means bonds issued for the purpose of reissuing or renewing outstanding bonds.

(2) KRS 66.280 to 66.390 may be cited as the "County Debt Act."

Section 4. Section 66.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Local Finance Officer, with the approval of the commission, shall have authority to invest any funds accrued to the County Sinking Fund and the fiscal court shall have authority to invest any funds accrued to and maintained in a county sinking fund which are not needed to meet interest and principal maturities on county debts within the next succeeding twelve months in obligations secured by the credit of the United States Government, or in warrants of the Commonwealth of Kentucky, or in road and bridge bonds of any county of the Commonwealth which have been approved by the commission for such investment, provided that the securities thus

purchased shall become payable before the money with which they were purchased shall be required for meeting obligations of the sinking fund. Nothing in this section shall prevent a county or the State Local Finance Officer from purchasing any bonds, at a price which will result in a saving to the county, prior to their maturity date with sinking fund monies created for their rededmption; provided that such monies are not required for the redemption of bonds maturing prior to those purchased, and provided further that bonds so purchased shall be cancelled and interest thereon shall cease.

(2) Any earnings or losses of the County Sinking Fund shall be charged or credited as of July 1 of each year among the counties maintaining deposit therein in the ratio which the largest amount in any sinking fund account continuously on deposit for a period of six months during the twelve months preceding allocation bears to the sum of such amounts for all sinking fund accounts.

Section 5. Section 68.210 of the Kentucky Revised Statutes shall be amended to read as follows:

The administration of the county uniform budget system shall be under the supervision of the Department of Finance, and the department may inspect and shall supervise the administration of accounts and financial operations and shall prescribe and may install a system of uniform accounts for all counties and county officials. It may require all officials of all local governments and local taxing districts to submit such annual financial reports as it may deem proper. It may investigate, examine, and supervise the accounts and operations of all local governments and local government officers. This section does not impose upon or transfer to the department any post audit functions.

Section 6. Section 131.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall requisition the Department of Finance to furnish to local officials an adequate supply of forms for listing property for taxation and such other forms and blanks so prescribed as the law requires the state to provide. The books and records prescribed for use by county tax commissioners, county court clerks, sheriffs and other county tax collectors shall be designated to promote economical operation, adequate control, availability of useful information, and safekeeping. The forms prescribed for listing intangible property shall be designated to secure a detailed list so that valuations may conveniently be checked with available sources of information, and so that the confidential character of the intangible property assessment may be safeguarded.

(2) The department may confer with, advise and direct local officials respecting their duties relating to taxation, and shall supervise the officials in the performance of those duties. The department, by authorized agents, may visit local governmental units and officers for investigational purposes, when it seems reasonably necessary.

(3) The department shall arrange for an annual conference of the county tax commissioners, or the county officers whose duty it is to assess property for taxation, to give them systematic instruction in the fair and just valuation and assessment of property, and their duty in connection therewith. The conference shall continue not more than five days. Such officers shall attend and take part in the conference, unless prevented by illness or other reason satisfactory to the commissioner. Any such officer willfully failing to attend the conference may be removed from office by the circuit court of the county wherein he was elected. If the officer participates in all sessions of the conference, one half of his actual and necessary expenses in attending the conference shall be paid by the state, and the other half shall be paid by the county from which he attends. Each officer shall make out an itemized statement showing his actual and necessary expenses, and if it is found regular and supported by proper receipts it shall be approved by the department before payment.

Section 7. Section 131.070 of the Kentucky Revised Statutes is hereby repealed.

ARTICLE VII. DIVISION OF MENTAL RETARDATION

Section 1. There shall be established in the Department of Welfare a Division of Mental Retardation, the executive head of which shall be appointed by the Commissioner of Welfare in accordance with the provisions of KRS 12.050.

Section 2. The function of the Division of Mental Retardation shall be to develop and encourage the development of programs in the areas of unmet need for the mentally retarded and to coordinate and assist in developing further the programs assigned to or performed by private and governmental agencies.

Section 3. The division may, to the extent that funds are available, enter into cooperative agreements with public or private agencies operating facilities for the care, treatment and training of the mentally retarded.

Section 4. The duties of the Division of Mental Retardation may include but are not limited to:

(1) Developing community resources.

(2) Assisting in the development of parent counseling centers, vocational services and diagnostic clinic facilities and services.

(3) Advising local and state agencies as to the needs of the mentally retarded.

(4) Fostering interdepartmental cooperation among the state agencies responsible for providing services to the mentally retarded.

Section 5. (1) There shall be established a Mental Retardation Board attached to the Division of Mental Retardation.

(2) The Mental Retardation Board shall be composed of five

members, appointed by the Governor, for terms of four years. Members shall serve until their successors are appointed. The board shall elect from its membership a chairman. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(3) The Mental Retardation Board shall act in an advisory capacity to the Commissioner of Welfare in regard to the program of the Division of Mental Retardation.

ARTICLE VIII. MEDICAL CARE PROGRAM FOR INDIGENT PERSONS

Section 1. This article shall be known as the "Medical Assistance Act."

Section 2. The General Assembly of the Commonwealth of Kentucky recognizes and declares that it is an essential function, duty and responsibility of the State Government to provide medical care to its indigent citizenry; and it is the purpose of the Medical Assistance Act to provide such care.

Section 3. Definitions. As used in this article, unless the context clearly requires a different meaning:

(1) "Council" means the Advisory Council for Medical Assistance;

(2) "Dentist" means a person authorized to practice dentistry under the laws of the Commonwealth;

(3) "Federal-State Medical Care Fund" means a trust and agency fund established, maintained, and operated by the Department of Economic Security as an arrangement to meet the cost of medical care for public assistance recipients and into which payments are made in behalf of each public assistance recipient covered by the fund;

(4) "General Assistance Recipient" means a person who has been certified by the responsible state agency as being eligible for, and a recipient of, tax-supported public assistance for maintenance other than as provided under the provisions of Chapter 205 of the Kentucky Revised Statutes, or a person whose dependence on such recipient is recognized in the determination of budgetary requirements for such payments;

(5) "Medical Care" as used in this article means essential medical, surgical, dental, and nursing services, in the home, office, clinic, or other suitable place, which are provided or prescribed by physicians or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care, hospital care as defined in Section 7 (1)(a) of this article, and such other essential medical services and supplies as may be prescribed by such persons;

(6) "Nurses" means persons authorized to practice professional nursing under the laws of the Commonwealth;

(7) "Nursing Home" means a facility which provides routine medical care in which physicians regularly visit patients, which provides nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond that which the untrained person possesses, and which maintains complete records on patient care, and which is licensed pursuant to the provisions of KRS 216.400;

(8) "Pharmacist" means a person authorized to practice pharmacy under the laws of the Commonwealth;

(9) "Physician" means a person authorized to practice medicine or osteopathy under the laws of the Commonwealth;

(10) "Public Assistance Recipient" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of Chapter 205 of the Kentucky Revised Statutes or a needy person who is living with and essential to such recipient and is recognized in the determination of budgetary requirements for such payment;

(11) "State-County Medical Care Fund" means a trust and agency fund established, maintained, and operated by the responsible state agency as an arrangement to meet the costs of medical care for general assistance recipients and into which payments are made;

(12) "Vendor Payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to a public assistance recipient or to a general assistance recipient.

Section 4. This article shall be administered by the Department of Economic Security which shall contract with the Department of Health for the medical care aspects of the program as provided in Section 8 of this article.

Section 5. (1) An Advisory Council for Medical Assistance shall be established in the State Government. The council shall consist of eleven members. The Commissioner of Health and the Commissioner of the Department of Economic Security shall be ex-officio members. The other nine members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows:

Two members shall be appointed for one year, two for two years, two for three years, and three for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four years or until his successor is appointed and qualified. Appointments shall be made one from each list of three nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmaceutical Association; and the Kentucky State Association of Registered Nurses. The other four appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments. No nominee or member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining original representations.

(4) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired.

Section 6. The council shall develop and formulate recommendations to the Department of Economic Security and the Department of Health as to policies, plans, budgets, programs, and rules and regulations relating to:

(1) The administration of the Medical Assistance Act;

(2) The utilization of facilities and personnel of the Department of Economic Security and the Department of Health;

(3) The inclusion or exclusion, by regulation, of general assistance recipients or certain classes thereof;

(4) The designation, by regulation, of the scope of medical care for which the Department of Economic Security should undertake to pay;

(5) The designation, by regulation, of quantity and quality standards and of methods for determining costs for vendor payments for medical care services, taking into consideration insurance and other financial resources available to the recipients;

(6) The designation, by regulation, of the limitations, duration and frequency of medical care for which vendor payments for medical care services should be made;

(7) The administration of grants, gifts, and contributions from the Federal Government, from county fiscal courts, from city legislative bodies, or from other sources, for the purpose of carrying out the intent and purposes of the Medical Assistance Act;

(8) The establishment of and contribution to a federal-state medical care fund from funds appropriated from time to time by the General Assembly for public assistance recipients;

(9) The establishment of and contribution to a state-county medical care fund from funds appropriated from time to time by the Gen-

eral Assembly for medical care of general assistance recipients on a formula contribution basis promulgated by the Department of Economic Security;

(10) The conducting of studies, research, demonstrations, and surveys to carry out the purposes of the Medical Assistance Act;

(11) Agreements and contracts for the administration of the Medical Assistance Act;

(12) The utilization of facilities and personnel of local health departments and local public assistance offices;

(13) The periodic evaluation of the program and publication of reports thereof;

(14) The formulation of such modifications, expansions, or contractions of the program as may be desirable or necessary.

Section 7. (1) The scope of medical care for which the Department of Economic Security undertakes to pay shall be designated and limited by regulations promulgated by said department, pursuant to the provisions hereof. The selection of the class or classes of medical care shall be recommended by the council to the Commissioner of the Department of Economic Security and the Commissioner of the Department of Health after taking into consideration, among other things, the amount of federal, state and local funds available, the most essential needs of public and general assistance recipients and the meeting of such need on a basis insuring the greatest amount of medical care as defined in Section 3 consonant with the funds available including but not limited to the following categories:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization.

(b) Nursing home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician or dentist.

(c) Drugs, nursing care, and medical supplies and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician or dentist.

(d) Physician and dental services.

(2) Payments for hospital care, nursing home care, and drugs or other medical and dental supplies shall be on bases which relate the amount of the payment to the cost of providing such services or supplies. It shall be one of the functions of the council to make recommendations to the Department of Health with respect to such bases for payment.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments shall be uniform for the entire state and designated by regulation. The amount of payments for

units of services need not be uniform for the entire state but may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in such locale and other local economic and geographic conditions.

Section 8. The Department of Economic Security shall retain all responsibility relating to the certification of eligibility of all recipients, fiscal matters, and general responsibility for the administration of this article, but shall contract with the Department of Health for the purpose of carrying out the medical care aspects of the program, which aspects shall include but not be limited to the operation functions of certifying the need of recipients for medical care, issuing authorizations for provision of medical care, certifying the provision of medical care in accordance with authorizations issued and in accordance with quantity and quality standards as established, developing and maintaining a manual of policies and procedures for the operation of the medical care aspects of the program, developing bases of payment for medical care, and certifying vendor billings for compliance with bases of payment as established pursuant to this article.

Section 9. There shall be established in the Department of Health a Division of Medical Care which shall be charged with the responsibility of carrying out the duties of the department under any agreement or contract made with the Department of Economic Security for the purposes of this article.

Section 10. The Department of Economic Security and the Department of Health shall provide the council with such staff assistance and information as it may require for proper performance of its duties and evaluation of the operation of the program provided for in this article.

Section 11. As state funds become available, fiscal courts and city legislative bodies may appropriate and contribute to the state-county medical care fund to qualify the county for benefits available through such funds to general assistance recipients. Such appropriations shall be on a formula basis as determined by the Department of Economic Security and may vary from 85 per cent state participation in less affluent counties to 15 per cent in more affluent counties. The amount of such contribution required to qualify each county for benefits shall be determined by the Department of Economic Security based on the estimated sum of expenditures from the state-county medical care fund for services that would be provided to recipients residing in the county multiplied by a percentage derived from a formula designed to produce a variable rate of state matching of the contributions of the respective counties in accordance with variations among the counties in economic resources and conditions. Such formulae shall be developed and modified annually with the objective of making qualification for benefits from the fund equally possible and attainable for all counties, provided further, however, that the factors comprising the formula, their treatment and the method of computation and derivation of the resulting percentages shall be defined by regulation which shall be applied uniformly in the determinations of the contributions for all counties which they are required to make to the fund to qualify for benefits.

Section 12. (1) The following technical advisory committees shall be established for the purpose of acting in an advisory capacity to the council with respect to the administration of the Medical Assistance Act:

(a) A Technical Advisory Committee on Physician Services consisting of five physicians appointed by the Council of the Kentucky State Medical Association;

(b) A Technical Advisory Committee on Hospital Care consisting of five hospital administrators appointed by the Board of Trustees of the Kentucky Hospital Association;

(c) A Technical Advisory Committee on Dental Care consisting of five dentists appointed by the Kentucky Dental Association;

(d) A Technical Advisory Committee on Nursing Service consisting of five nurses appointed by the Board of Directors of the Kentucky State Association of Registered Nurses;

(e) A Technical Advisory Committee on Drugs consisting of five pharmacists appointed by the Kentucky Pharmaceutical Association;

(f) A Technical Advisory Committee on Nursing Home Care consisting of five members appointed by the Kentucky Association of Nursing Homes.

(2) The members of the Technical Advisory Committees shall serve until their successors are appointed and qualified.

Section 13. The Commissioner of Health shall appoint a county medical review committee for each county of the Commonwealth consisting of three physicians and a dentist, the duties, responsibilities and terms of office of which shall be determined by the council. Appointments shall be made from a list of three nominees for each appointment submitted by the Kentucky State Medical Association and the Kentucky Dental Association, respectively.

Section 14. Payments into the federal-state medical care fund shall be dedicated to the payment of costs of medical care for public assistance recipients. Federal-state medical care funds shall be subject to federal participation as an assistance expenditure for medical care in behalf of public assistance recipients.

Section 15. Payments into the state-county medical care fund shall be dedicated to the payment of medical care for general assistance recipients with respect to which payments are made. State-county medical care funds shall be subject to county participation as an assistance expenditure for medical care in behalf of general assistance recipients.

Section 16. Any person who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact or by impersonation or other fraudulent device obtains or attempts to obtain any medical care benefits under the provisions of this article shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation, failure or violation, and each benefit payment made in reliance on such false statement, representation, failure of violation, shall constitute a separate offense.

ARTICLE IX. DIVISION OF BOATING

Section 1. (1) There shall be established in the Department of Public Safety a Division of Boating.

(2) The head of the Division of Boating shall be appointed by the Commissioner of Public Safety in accordance with the provisions of KRS 12.050.

(3) The Division of Boating shall be authorized to employ necessary personnel to carry out the functions assigned to the division in this article.

Section 2. This article shall be known as the State Boating Act and shall be administered by the Division of Boating.

Section 3. Definitions. As used in this article unless the context clearly requires a different meaning:

(1) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Waters of this state" means any waters within the territorial limits of this state.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(7) "Department" means the Department of Public Safety.

(8) "Division" means the Division of Boating within the Department of Public Safety.

(9) "License" and "Certificate of Number" as used herein are synonymous.

(10) "Clerk" means Circuit Court Clerk.

Section 4. Every motorboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is registered and numbered in accordance with this article, or in accordance with the applicable federal law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

Section 5. (1) Except as otherwise provided in this article, before the owner or operator of each motorboat required to be registered and numbered by Section 4 of this article may operate it or permit its operation upon the waters of this state, the owner shall apply for registration to the circuit court clerk of the county in which he resides, except, if the motorboat is to be operated principally in a county other than the county of the owner's residence the owner may apply for registration to the circuit court clerk of the county in which the motorboat is to be principally operated. A motorboat last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. The application shall be in quadruplicate with one copy to be retained by the circuit court clerk, one copy to be forwarded to the division, and the original and one copy to be forwarded by the clerk to the Department of Revenue. The original application shall be accompanied by:

(a) A bill of sale, if the application is for registration of a new motorboat; or

(b) The owner's registration receipt if the motorboat was last registered in this state or

(c) A bill of sale and the previous registration receipt if last registered in another state; and

(d) The annual registration fee.

(2) Motorboats shall be registered annually.

Section 6. All original, renewal and duplicate licenses for the operation of motorboats shall be issued by the Division of Boating.

Section 7. (1) Every person seeking a license or certificate of number or renewal for operation of a motorboat shall apply in person to the circuit court clerk of the county as provided in Section 5 of this article and make application on a form furnished by the division. The application shall contain the full name and signature, citizenship of applicant, date of birth, sex, race, present resident address, the make of the boat, serial number, if any, length, beam, motive power, maximum capacity, type of hull material, and intended use of boat. It shall also state whether the applicant has been previously licensed or registered as an owner, and if so, when and by what state or county, whether any license registration or certificate number has been cancelled, suspended, revoked, refused, and if so, the date of and reason for cancellation, suspension, revocation or refusal and such other information as may be required.

(2) Every applicant shall make oath as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has complied with the law concerning applications, issue a temporary license, certificate of number or renewal thereof to be valid for not more than ninety days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent certificate from the Division of Boating.

Section 8. (1) With the exception of motorboats for hire by a boat livery, the annual registration fee for motorboats shall be based upon length of the motorboat as follows: 1 foot to 16 feet—$3.00; 16 feet to 26 feet—$5.00; 26 feet to 40 feet—$8.00; 40 feet and larger—$10.00. The annual registration fee for all inboard motorboats shall be $10.00. Every appplication shall be accompanied by the registration fee above set out.

(2) The annual registration fee for boats for hire from a boat livery shall be as follows: 1 foot to 16 feet—$1.00; 16 feet to 26 feet—$2.50; 26 feet to 40 feet—$4.00; 40 feet and larger and inboard motorboats—$5.00. Owners of a boat livery shall apply for licenses or certificates in the manner provided in this Act, but the division may promulgate special rules and regulations relating to their certification and registration.

Section 9. No later than the tenth day of each month the circuit court clerk shall make a written report to the division which shall include the name and address of those persons who have applied for registration of motorboats, the length and type of such motorboat; and the registration fee charged and the amount of registration fee collected from the applicant. This report shall cover the period of the calendar month preceding the report. The original applications for registration and the fees collected by the clerk shall be forwarded with a copy of the said report to the Department of Revenue. The clerk shall collect from each owner a fee in the sum of $0.50 for each registration in addition to the registration fee.

Section 10. Upon receipt of the clerk's report and copies of the applications, the divisions shall cause each of said applications to be entered upon the records of its office and shall issue to the applicant a certificate of number stating the number awarded to the motorboat, the name and address of the owner, and any other information prescribed by the division.

Section 11. The owner shall cause to be painted on or attached to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulations of the division in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

Section 12. The owner of any motorboat already covered by a number in full force and effect which has been awarded to it by the then operative federal law or a federally approved number system of another state shall record the number prior to operating the motorboat on the waters of this state in excess of the ninety day reciprocity period provided for in Section 23 of this article, the fee for such recordation being the same as for an original registration as provided for in Section 8 of this article. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under Sections 5 through 7 of this article, except that no additional or substitute number shall be issued.

Section 13. (1) Whenever a motorboat that has been previously registered in Kentucky changes ownership, the registration number previously assigned shall remain a part of it.

(2) No person acting for himself or another shall buy or trade for any motorboat without receiving the certificate of number issued for that boat for the current period with a certificate of transfer endorsed thereon.

(3) It shall be the duty of the purchaser to record the endorsed certificate of number with the circuit court clerk of the county of the purchaser's residence or in which the motorboat is to be principally operated and to pay a transfer fee of $1.00. The clerk thereupon shall forward the endorsed certificate of number to the division and the transfer fee to the Department of Revenue. Upon receipt of the endorsed certificate the division shall thereupon issue a new certificate of number bearing the same date and information required on the original certificate of number except the change in owner's name and address. The clerk shall charge the purchaser a fee of $0.50.

Section 14. The numbering system employed pursuant to this article shall be in conformity with the over-all system of identification numbering adopted by the appropriate agency of the United States government for motorboats within the United States.

Section 15. The division shall insofar as is practicable assign to each motorboat the number previously assigned thereto upon each subsequent registration.

Section 16. All records of the department made or kept pursuant to the issuance of a certificate of number shall be public records.

Section 17. Every certificate of number awarded pursuant to this article shall continue in full force and effect for a period of one year unless sooner terminated or discontinued in accordance with the provisions of this article.

Section 18. The division shall fix a day and month of the year on which certificates of number due to expire during the calendar year shall elapse and no longer shall be in force unless renewed pursuant to this article.

Section 19. The owner shall furnish the circuit court clerk notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this state pursuant to the provisions of this article or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number for such motorboat, except, that in the case of a part interest which does not effect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number.

Section 20. Any holder of a certificate of number shall notify the division within fifteen days if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the division with his new address. The division may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Section 21. No number other than the number awarded to a motorboat or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat.

Section 22. Every motorboat shall have aboard:

(1) One life preserver, bouyant vest, ring bouy or bouyant cushion of the type approved by the Commandant of the United States Coast Guard in good and serviceable condition for each person on board.

(2) When in operation during hours of darkness, lights sufficient to make the motorboat's presence and location known to any and all other vessels within a reasonable distance.

(3) If carrying or using any inflammable or toxic fluid in any enclosure for any purpose, and if not an entirely open motorboat, an efficient natural or mechanical ventilation system which shall be capable of removing resulting gasses prior to, and during, the time such motorboat is occupied by any person.

(4) Such additional equipment designed to promote the safety of navigation and of persons as the division may find to be appropriate and for which it has provided in its rules and regulations.

(5) No person shall operate or give permission for the operation of a motorboat which is not equipped as required by this section or modification thereof, or which is not safe for operation as a motorboat.

Section 23. A motorboat shall not be required to be numbered under this article if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; provided, that such boat shall not have been within this state for a period in excess of ninety consecutive days.

(2) A motorboat from a country other than the United States temporarily using the waters of this state.

(3) A motorboat whose owner is the United States, a state or a subdivision thereof.

(4) A ship's lifeboat used or intended to be used as such.

(5) A motorboat belonging to a class of boats which has been exempted from numbering by the division after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, after the division has further found that the motorboat would also be exempt from numbering if it were subject to the federal law.

Section 24. Every manufacturer of, or dealer in motorboats in this state shall register with the division at Frankfort, Kentucky, and pay an annual registration fee of twenty-five dollars ($25.00) to the division. Upon receipt of this fee the division shall issue to the manufacturer or dealer a certificate of number and a plate bearing the number assigned, which plate shall be so designed that it can be transferred from boat to boat. Every manufacturer or dealer registered under this section shall be furnished additional dealer certificates of number and plates upon the payment of two dollars ($2.00) for each additional certificate of number desired. A motorboat bearing dealer's plates and carrying a dealer's certificate of number may be used only by a member of the firm registered or by a bona fide salesman or employe of the firm for any purpose reasonably connected with the sale or demonstration for sale and delivery of the dealer's motorboat or by any manufacturer or dealer licensed as provided above in transporting any motorboat over the waters of this state to his place of retail business for the manufacturer or wholesale dealer in motorboats and for no other purpose.

Section 25. (1) The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the identification number thereof; and the departure time and date, and the expected time of return. The record shall be preserved for at least six months.

(2) Neither the owner of a boat livery, nor his agent or employe shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to Section 22 of this article and any rules and regulations made pursuant thereto.

Section 26. (1) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

(2) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.

(3) Any person who, by negligent operation of a motorboat, causes the death of another, under circumstances not otherwise punishable as a homicide, shall be imprisoned in the county jail for not more than one year.

Section 27. (1) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars shall file with the division a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require.

Section 28. All required reports and supplemental reports shall be without prejudice to the individual making them, and shall be for the confidential use of the division, except that the division may disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at an accident. No such report shall be used in evidence in any trial arising out of an accident, but the division shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the division, solely in order to prove compliance or noncompliance with the requirements of Section 27 of this article that such a report be made.

Section 29. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the division pursuant to Section 27 of this article shall be transmitted to said official or agency of the United States.

Section 30. The division, with the approval of the Commissioner of Public Safety, shall promulgate rules and regulations to govern the operation of boats on any waters of this state towing a person or persons on water skis, a surfboard, or similar device.

Section 31. (1) The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this state. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof shall, at least fifteen days prior thereto, file an application with the division for permission to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition, and it shall not be conducted without authorization of the division in writing.

(2) The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation, but nothing contained herein shall be construed to require the securing of a state permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

Section 32. The operator of a vessel or motorboat shall be liable for any injury or damage occasioned by the negligent operation of such vessel or motorboat, whether such negligence consists of a violation of the provisions of the statutes of this state or neglecting to observe such ordinary care and operation as the rules of the common law require. Where the owner is not the operator of the vessel or motorboat he shall not be liable for such injury or damage unless such owner is aboard the vessel or motorboat at the time of such injury or damage or unless the operator at such time of injury or damage is operating said boat upon the owner's business or in the course and scope of his employment with the owner. The "Family Purpose Doctrine" as it is applied in the use and operation of automobiles shall be applicable to the use and operation of vessels or motorboats. Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

Section 33. (1) The division shall designate officers and employes of the agency to enforce the provisions of this article. Such officers and employes so designated have the powers of peace officers of the Commonwealth in the performance of such duties. In enforcing the provisions of this article such officers and all other peace officers of the Commonwealth and its subdivisions shall have the right to enter upon all waters of this state, either private or public, for the purpose of inspecting certificate of registration and boat numbering, and shall have the right to enter upon all boats on such waters for the purpose of examining their registration documents. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this article. They shall have the same right as sheriffs to require aid in arresting, with or without process, any person found by them violating any of the provisions of this article.

(2) All peace officers and other employes in the division shall be covered by the state merit system established by House Bill 199 of the 1960 General Assembly and shall not be covered by the merit system for other peace officers in the Department of Public Safety as provided in Chapter 16 of the Kentucky Revised Statutes.

Section 34. All numbers placed upon the bow of a motorboat subject to this numbering system shall be of such size, color and type as the division may by regulation prescribe, but not less than three inches in height. All such regulations shall be in accordance with any federal uniform regulations concerning such matters as may be currently in effect.

Section 35. The division, with the approval of the head of the department, may promulgate any rules and regulations not inconsistent herewith to carry out the purposes of this article.

Section 36. Any person who violates any of the provisions of this article shall be fined not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00).

Section 37. All monies collected under the provisions of this article shall be paid into the State Treasury in the manner prescribed by law, and credited to the general expenditure fund.

Section 38. Appropriations for the operation of the Division of Boating shall be made from the general expenditure fund.

Section 39. KRS 17.010 is hereby amended to read as follows:

(1) There shall be in the State Government a Department of Public Safety, a statutory administrative department within the mean-

ing of Chapter 12 of the Kentucky Revised Statutes, the executive head of which shall be a Commissioner of Public Safety.

(2) The Commissioner of Public Safety shall be appointed by the Governor as provided in KRS 12.040 for the heads of statutory administrative departments.

(3) The Department of Public Safety shall be divided for administrative purposes into a Division of Accident Control, a Division of Kentucky State Police, a Division of Fire Prevention, a Division of Driver Licensing, and a Division of Boating, but this provision shall not affect the authorization of the Commissioner of Public Safety to establish new divisions and make changes with respect to existing divisions in accordance with the terms of KRS 12.030.

(4) The heads of the division of the Department of Public Safety shall be appointed by the Commissioner of Public Safety in accordance with the provisions of KRS 12.050.

ARTICLE X. DEPARTMENT OF CHILD WELFARE

Section 1. (1) There shall be established in the State Government a Department of Child Welfare, a statutory administrative department within the meaning of Chapter 12 of the Kentucky Revised Statutes, the executive head of which shall be a Commissioner of Child Welfare.

(2) The Commissioner of Child Welfare shall be appointed by the Governor as provided in KRS 12.040 for heads of statutory administrative departments and shall receive an annual salary of $11,000.

Section 2. There shall be established a Kentucky Children's Advisory Council which shall be attached to the Department of Child Welfare. It shall be composed of eleven members who are appointed by the Governor, to serve part time for staggered, overlapping four-year terms on the following basis:

(1) One member of the council shall be a diplomate psychiatrist, preferably with experience in child psychiatry, appointed from a list of three names of eligible psychiatrists submitted by the State Association of Diplomate Psychiatrists;

(2) One member of the council shall be appointed from a list of three names submitted by each of the recognized statewide veterans associations;

(3) Two members of the council shall be appointed from a list of three names for each position submitted by the chapters in the state of the National Association for Social Workers;

(4) Two members of the council shall be appointed from a list of three names for each position submitted by the Kentucky Citizens for Child Welfare, Inc.;

(5) One member of the council shall be appointed from a list of three names submitted by the KEA;

(6) One member of the council shall be appointed from a list of three names submitted by the League of Women Voters;

(7) One member of the council shall be appointed from a list of three names of eligible psychologists submitted by the Kentucky Psychological Association;

(8) One member of the council shall be appointed to represent the religions of the Commonwealth;

(9) One member of the council shall be appointed from a list of three names submitted by the Kentucky Welfare Association.

Section 3. At the first official meeting of the commission which shall be held not later than September 30, 1960, all members of the commission shall draw lots to determine the length of term each shall serve so that the terms of three members shall expire at the end of one year, the terms of three members shall expire at the end of two years, the terms of three members shall expire at the end of three years, and the terms of two members shall expire at the end of four years. After the first year all appointments, except those to fill vacancies, shall be for a period of four years. Appointments for successive and unexpired terms shall be made from lists on the same basis as original appointments are made.

Section 4. The Advisory Council shall act in an advisory capacity to the Commissioner of Child Welfare in regard to the state child welfare programs. Included in this responsibility shall be the duty to recommend, to the Commissioner of Child Welfare, policies with respect to the state child welfare programs and responsibilities, including the administration and uses of institutional facilities for children and the state licensing responsibilities related to child welfare facilities and programs, and adoption programs.

Section 5. The Department of Child Welfare shall be responsible for all child welfare functions heretofore exercised by the Department of Economic Security and the Department of Welfare, except as otherwise provided in this article. The Division of Children's Services of the Department of Economic Security and the Division of Children's Institutions of the Department of Welfare, together with their personnel, properties, facilities, equipment, records, funds, and appropriations heretofore granted them under the statutes are hereby transferred to the Department of Child Welfare, except as otherwise provided in this article. Present wards of the Department of Economic Security and the Department of Welfare shall also be transferred to the Department of Child Welfare.

Section 6. The funds appropriated by the General Assembly and those granted by the Federal Government, as well as any funds received from private sources or state revolving funds for child welfare programs, except for public assistance to children under the Aid to Dependent Children program, shall be held in the name of the Department of Child Welfare.

Section 7. The department shall immediately upon its creation and thereafter conform in all respects to the State Merit System. The department shall also conform to federal merit system requirements in its personnel management where necessary for receiving federal grants. Personnel who enjoy merit system status in the Department of Economic Security and who are transferred to the Department of Child Welfare by this article shall retain said status in equivalent positions, but such transfer of status shall not operate to prevent reorganization of functions or consequent reclassification of positions by the Commissioner of Child Welfare.

Section 8. All functions related to child welfare, except those related to children receiving public assistance under the Aid to Dependent Children Program, delineated in Chapters 199, 200, and 208 of the Kentucky Revised Statutes heretofore performed in the Department of Economic Security and the Department of Welfare are transferred to the Department of Child Welfare. Present wards of the Department of Economic Security and the Department of Welfare shall also be transferred to the Department of Child Welfare and the respective courts of the Commonwealth shall take any necessary steps to denote this transfer.

Section 9. The Commissioner of Finance shall have the authority and responsibility for transferring personnel, properties, facilities, equipment, records, funds, and appropriations for child welfare programs, except those related to children receiving public assistance under the Aid to Dependent Children Program, in the Department of Economic Security and the Department of Welfare, to the Department of Child Welfare.

Section 10. Nothing in this article shall prevent the Department of Economic Security from providing services to children receiving public assistance under the Aid to Dependent Children Program; however, the Commissioner of Economic Security may contract with the Department of Child Welfare to provide social services to children in this category.

Section 11. Section 199.011 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Child Welfare;

(2) "Department" means the Department of Child Welfare;

(3) "Child" means any person who has not reached his eighteenth birthday;

(4) "Neglected or dependent child" means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others;

(5) "Abandoned child" means any child who by reason of the desertion of his parents or guardian is in destitute circumstances;

(6) "Child-caring institution or agency" means any agency or institution, other than a state institution or one operated primarily for educational or medical purposes, in which four or more children, not related by blood, adoption or marriage to the person maintaining the institution, are cared for and maintained in residence for compensation or otherwise;

(7) "Child-placing institution or agency" means any agency or institution other than a state agency which arranges for the placement of children in child-caring homes or child-caring institutions, or which arranges for the placement of children for adoption;

(8) "Child welfare worker" means any employe of the department designated as such by the commissioner or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

Section 12. Section 208.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in Sections 208.010 to 208.590 and 208.990, unless the context otherwise requires:

(1) "Department" means the Department of Child Welfare;

(2) "Child" means any person who has not reached his eighteenth birthday;

(3) "Court" means the juvenile session of the county court;

(4) "Child welfare worker" means any employe of the Department of Child Welfare designated as such by the Commissioner of Child Welfare or social worker employed by a county or city who has been approved by the Department of Child Welfare to handle, under its supervision, services to children.

Section 13. Section 208.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any child committed to the department who has committed a public offense may, on the recommendation of the child welfare worker, at any time during the period of his commitment be:

(a) Discharged from commitment, unless he was committed by a circuit court upon a felony conviction and was given a sentence the period of which will extend beyond the age of twenty-one;

(b) Placed on parole in the home of his parents, or in a suitable foster home, family home or boarding home, upon such conditions as the department may prescribe and subject to visitation and supervision by a child welfare worker;

(c) Placed in one of the institutions operated by the department;

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child, upon such conditions as the department may prescribe;

(e) Disposed of as provided in KRS 208.460 or KRS 208.470.

(2) Unless the child has been discharged from commitment, any

disposition of a child made under this section may at any time during the period of his commitment be changed and other disposition made in accordance with the provisions of this section.

Section 14. Any provision of Section 195.020, 195.030, 195.050, 196.030, 196.040 199.010, 199.011, 199.350, 199.460, 200.010, 205.330, 208.200, 208.220, 208.320, 208.400, 208.410, 208.420, 208.510 of the Kentucky Revised Statutes which conflict with this article are repealed to the extent of the conflict. Sections 199.450, 208.480, 208.490, and 208.550 of the Kentucky Revised Statutes are repealed in their entirety.

ARTICLE XI. DEPARTMENT OF PARKS

Section 1. (1) There shall be established in the State Government a Department of Parks, a statutory administrative department within the meaning of Chapter 12 of the Kentucky Revised Statutes, the executive head of which shall be a Commissioner of Parks.

(2) The Commissioner of Parks shall be appointed by the Governor as provided in KRS 12.040 for the heads of statutory administrative departments and shall receive an annual salary of $12,000.

(3) The Department of Parks shall be divided for administrative purposes into a Division of Operations, a Division of Planning and Development, and a Division of Administrative Services, but this provision shall not affect the authorization of the Commissioner of Parks to establish new divisions and make changes with respect to existing divisions in accordance with the terms of KRS 12.030.

(4) The heads of the divisions in the Department of Parks shall be appointed by the Commissioner of Parks in accordance with the provisions of KRS 12.050.

Section 2. (1) There shall be established a Parks Board attached to the Department of Parks. The Parks Board shall be a corporate entity. It may receive, acquire, preserve, hold, manage and convey land, caves, cave rights, leasehold interests, money and any other property deemed necessary by it.

(2) The Parks Board shall be composed of three members, appointed by the Governor, for terms of four years each and until successors are appointed and qualified. Before entering upon their duties the members shall each take and subscribe to the constitutional oath of office, which shall be filed in the office of the Secretary of State. The board shall elect from its membership a chairman. The members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Section 3. (1) The Parks Board shall act in an advisory capacity to the Commissioner of Parks in regard to the planning, development, operation, and administration of the state park system. It shall also act in an advisory capacity to the Commissioner of Parks in regard to the establishment and revision of park standards and on the acquisition of land, properties or sites for state and national parks.

(2) All of the functions of the National Park Commission relating to acquiring and conveying lands to the United States for the establishment of national parks in Kentucky; receiving grants and contributions; and establishing regulations for administration and disposition of property prior to conveyance thereof to the United States, provided in KRS 148.110, 148.120, 148.130, 148.140, and 148.150 are hereby transferred to the Parks Board.

Section 4. The records, property, and any funds held by the National Park Commission are hereby transferred to the Parks Board.

Section 5. (1) The Department of Parks shall exercise all administrative functions of the state relating to the operation of parks, shrines, monuments, and museums except those allocated to the Historical Society.

(2) All of the functions of the Division of Parks relating to acquiring park property; improving and operating parks, fixing fees and charges for the use of parks; establishing and posting regulations; and commissioning park custodians and employes as peace officers, provided in KRS 148.010, 148.020, 148.030, 148.040, 148.055, 148.060, 148.070, and 148.085 are hereby transferred to and shall be exercised by the Department of Parks.

(3) The Department of Parks is authorized to cooperate with counties, cities, and other political subdivisions of the Commonwealth and with civic and other public service organizations in the planning and promotion of recreational activities.

(4) The Department of Parks is authorized to accept on behalf of the state any grant or contribution, federal or otherwise, to assist in meeting the cost of carrying out the functions assigned to the Department of Parks in this Act.

(5) The Commissioner of Parks may employ or contract with such other persons, firms or corporations as he may deem necessary or desirable to accomplish the duties and functions assigned by law to the Department of Parks; may fix the compensation and the terms of employment or contract of those employed or contracted with; and may assign to them such duties and responsibilities as he may determine; provided, however, that any contract shall be approved by the Commissioner of Finance before it shall become effective.

Section 6. The records, property, personnel, and any unexpended appropriations, balances, and trust and agency funds maintained for carrying out the functions of the Division of Parks are hereby transferred to the Department of Parks.

Section 7. Subsection (1) (a) of Section 146.010 and Sections 146.040, 146.070, 146.130, 146.140, 146.150, 146.160, 148.090, 148.100, and 148.200 of the Kentucky Revised Statutes are hereby repealed.

Section 8. Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Com-

missioner of Conservation whose annual salary shall be determined under Section 64.640 of the Kentucky Revised Statutes.

(2) The department shall be divided into a Division of Forestry, a Division of Soil and Water Resources, a Division of Strip Mining and Reclamation and the Flood Control and Water Usage Board.

ARTICLE XII. DIVISION OF BUSINESS AND PROFESSIONAL REGULATION.

Section 1. (1) There shall be established in the Department of State a Division of Business and Professional Regulation.

(2) The head of the division shall be appointed by the Secretary of State in accordance with the provisions of KRS 12.050.

Section 2. (1) All of the functions of the Department of Business Regulation relating to prize-fighting and wrestling contained in Chapter 229 of the Kentucky Revised Statutes are hereby transferred to and shall be exercised by the Division of Business and Professional Regulation.

(2) (a) The Division of Business and Professional Regulation is authorized to provide clerical, secretarial or other administrative services to any board established by law for the purpose of licensing, registration, examination or regulation of a business or a profession.

(b) Such services shall be provided upon the request of the board and upon the approval of the Secretary of State.

(c) The Division of Business and Professional Regulation shall maintain accurate records reflecting the cost of providing such services and shall bill each board for the cost of such services on a quarterly basis.

(d) Boards receiving such services shall remit to the Division of Business and Professional Regulation payment for services received in the manner provided by law.

Section 3. The records, property, personnel and any unexpended appropriations balances and trust and agency funds maintained for the purpose of carrying out the functions of the Department of Business Regulation relating to regulation of prize-fighting and wrestling are hereby transferred to the Division of Business and Professional Regulation.

Section 4. Sections 286.010, 286.020, 286.030, and 286.070 of the Kentucky Revised Statutes are hereby repealed.

ARTICLE XIII. PUBLIC SERVICE COMMISSION

Section 278.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each commissioner shall be a resident and qualified voter of this state, not less than twenty-five years of age at the time of his appointment and qualification, and shall have resided in this state for at least three years prior to his appointment and qualification. Each

commissioner shall take and subscribe to the constitutional oath of office, which shall be recorded in the office of the Secretary of State.

(2) No person shall be appointed to or hold the office of commissioner who holds any official relationship to any utility, or who owns any stocks or bonds thereof, or who has any pecuniary interest therein.

(3) No commissioner shall receive any rebate, pass, percentage of contract or other thing of value from any utility.

(4) No commissioner shall engage in any occupation or business inconsistent with his duties as such commissioner.

(5) If any commissioner becomes a member of any political party committee, his office as commissioner shall be thereby vacated.

ARTICLE XIV. STATE PROPERTY AND BUILDINGS COMMISSION

Section 56.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is recognized, as an independent agency of the state within the meaning of Chapter 12 of the Kentucky Revised Statutes, a State Property and Buildings Commission composed of the Governor, who shall be chairman thereof, the Lieutenant Governor, the Attorney General, the Commissioner of Finance and the Commissioner of Revenue.

(2) No member of the commission shall receive any salary, fee or other remuneration for his services as a member of the commission but each member shall be entitled to be reimbursed for his ordinary traveling expenses, including meals and lodging, incurred in the performance of his duties.

(3) The commission constitutes a public body corporate with perpetual succession and power in its name to contract and be contracted with, sue and be sued, adopt by-laws, have and use a corporate seal, and exercise all of the powers granted to private corporations generally in the Kentucky Revised Statutes, Chapter 271, except as the same may be inconsistent with Sections 56.440 to 56.550 of the Kentucky Revised Statutes.

(4) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, all revenue bonds issued by state agencies except those bonds issued by the state colleges or university, shall be issued under the provisions of Chapter 56 of the Kentucky Revised Statutes.

ARTICLE XV. SOIL AND WATER RESOURCES COMMISSION

Section 1. Section 146.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Conservation, with the approval of the Soil and Water Resources Commission, shall divide the state into nine soil and water conservation areas which shall contain as nearly equal number of soil conservation districts as practicable.

(2) The Soil and Water Resources Commission shall consist of nine members, not more than five of whom shall be of the same political party, to be appointed by the Commissioner of Conservation with the approval of the Governor.

(3) One member shall be appointed from each of the areas from a list of two names submitted from each such area by the supervisors of the soil conservation districts that have their principal offices therein. All members shall be supervisors of soil conservation districts.

(4) The term of office of each such member shall be four years except that as to the members first appointed, the Commissioner of Conservation shall designate three members for terms of two years, three for three years, and three for four years; provided that, whenever a member of the commission ceases to hold the office of district supervisor by virtue of which he is serving on the commission, his term of office as a member of the commission shall be terminated. In the case of any vacancy other than one caused by the expiration of a term, the Commissioner of Conservation, with the approval of the Governor, shall appoint the successor from a list of two names submitted by the supervisors of the soil conservation area which was represented by the former member. The successor shall also be a supervisor of a soil conservation district.

(5) The members of the commission shall designate a chairman from among their members and may from time to time change such designation. The commission shall keep a record of its official actions. A majority of the commission shall constitute a quorum. The commission may call upon the Attorney General for such legal services as it may require. It may delegate to its chairman, any of its members, the director of the division or any officer, employe, or agent, such powers and duties as it deems proper. Members of the commission shall receive no compensation for their services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in discharging their duties.

(6) The following persons are advisory members of the commission by virtue of their offices: the Commissioner of Conservation, the Commissioner of Agriculture, the Director of Agricultural Experiment Station, the Director of Vocational Education, and the State Conservationist of the United States Department of Agriculture.

Section 2. Section 146.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Conservation, with the approval of the Soil and Water Resources Commission, shall appoint a Director of the Division of Soil and Water Resources who shall be a graduate of a recognized agricultural college, with at least five years of practical experience in professional agricultural activities and who shall serve as executive officer for the commission. The director shall serve at the will of, and receive such compensation as may be determined by the Commissioner of Conservation with the approval of the Soil and Water

Resources Commission. Before entering upon his duties, the director shall take the constitutional oath. The director shall hold no other public office or employment. In addition to any other duties assigned to him by the Commissioner of Conservation, the director shall exercise, subject to the approval of the commissioner, general administrative supervision over all activities, employes and property of the commission.

(2) The Commissioner of Conservation may employ such other offices, employes, and agents who shall serve at his will as he deems necessary, with the approval of the Soil and Water Resources Commission, and shall provide for surety bonds for members, the director, officers, employes or agents if entrusted with funds or property.

Section 3. Section 146.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall have the general power to take any action it may consider necessary or proper to assist soil conservation districts in carrying out their functions, powers, duties and programs in accordance with the Kentucky Soil Conservation Districts Law, and for such purpose it may furnish financial and other aid to the districts and perform such services for them at their request as may be possible under available appropriations and resources.

(2) The commission has all the powers and duties formerly possessed by the State Soil Conservation Committee.

(3) The commission shall take any action it may consider necessary or proper in order to discharge for the state any of the state's functions, responsibilities or duties relating to flood control, drainage and other activities with respect to the conservation, utilization or control of soil or water resources.

(4) The commission may prescribe such rules and regulations as may be necessary to the performance of its duties and may enter into and execute any agreements or legal instruments that may be necessary for such purpose and it shall have the authority to acquire necessary supplies, materials, and equipment, and warehousing, servicing and maintenance facilities for such equipment.

Section 4. All of the functions of the State Soil Conservation Committee provided in Chapter 262 of the Kentucky Revised Statutes are hereby transferred to and shall be exercised by the Soil and Water Resources Commission.

Section 5. Section 262.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) A supervisor's term begins on January 1 following his election. The three supervisors elected with the highest number of votes in the general election of 1960 shall serve for four years; the other two supervisors elected in 1960 shall serve for two years. In the event only five nominating petitions for supervisors are filed, the commission shall declare the nominees elected without an election, and shall

name three of the nominees to serve terms of four years, and two to serve terms of two years. In 1962 two supervisors shall be elected for four years and thereafter supervisors shall be elected for four years as their terms expire. Nominating petitions for supervisors shall be filed with the commission not less than forty-five days prior to the day of the election. No such nominating petition shall be accepted by the commission unless it is signed by twenty-five or more owners of land lying within the boundaries of the district. Landowners may sign more than one nominating petition to nominate more than one candidate for supervisor. In the event nominating petitions for only the number of supervisors to be elected are filed, the commission shall declare the nominees elected without holding an election. The election shall be conducted by the commission as provided for under KRS 262.220.

(2) A supervisor shall hold office until his successor has been elected and has qualified. Vacancies shall be filled for the unexpired term by appointment by the commission.

(3) A supervisor may be reimbursed for expenses necessarily incurred in the discharge of his duties and may be paid a per diem for attending meetings or otherwise discharging the obligations of his office.

(4) A supervisor shall be a resident of the district for which he is elected, and upon moving from the county in which the district is located, the supervisor shall be ineligible to serve as a supervisor and his office shall be vacant.

(5) Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office. A supervisor shall not be removed except pursuant to this subsection.

Section 6. Sections 262.030, 262.040, 262.050, 262.060, and 262.070 of the Kentucky Revised Statutes are repealed.

ARTICLE XVI. REORGANIZATION OF STATUTORY ADMINISTRATIVE DEPARTMENTS OF STATE GOVERNMENT

A new section to Chapter 12 of the Kentucky Revised Statutes is added to read as follows:

Recognizing the problems resulting from a rapid expansion of programs in many departments and in order to promote greater economy, efficiency and improved administration in the statutory administrative departments of State Government by grouping related functions and establishing more effective organizational patterns, both of which require extensive studies extending beyond the regular legislative session, the Governor may:

(1) Establish, abolish, or alter the organization of any statutory administrative department including changing the name of a department to explain more clearly the functions performed by it. Also included in this authority shall be permission to transfer functions, personnel, funds, equipment, facilities, and records from one department

to another. Reorganization made under this section shall be set forth in an Executive Order, signed by the Governor and filed in the office of the Secretary of State, which shall explain the changes made and designate the functions, personnel, funds, equipment, facilities, and records, as applicable, to be transferred. The Governor shall recommend legislation to the 1962 General Assembly to confirm organizations effected under provisions of this article.

(2) Appoint advisory or study committees to assist and recommend to him on problems concerning the various functions and departments of State Government. Members of such committees shall serve without pay, but shall be reimbursed for necessary and actual expenses.

ARTICLE XVII. APPROPRIATION

To carry out the purposes of this Act, there is appropriated out of the General Expenditure Fund in the State Treasury to a special Governor's Emergency Fund the sum of $340,000 for the 1960-61 fiscal year, and the sum of $365,000 for the 1961-62 fiscal year.

ARTICLE XVIII. GENERAL PROVISIONS

Section 1. Nothing in this Act shall be construed to repeal the provisions of Chapter 12 of the Kentucky Revised Statutes, except those sections specifically repealed by this Act.

Section 2. In order that appropriate accounts and budgets may be established, all transfers of funds, functions, personnel, records, and facilities, made pursuant to this Act shall be supervised and approved by the Commissioner of Finance.

Section 3. All provisions of this Act, except Article XI, shall become operative July 1, 1960. Article XI shall become operative immediately upon passage and approval of this Act by the Governor.

ARTICLE XIX. EMERGENCY CLAUSE

Whereas it is necessary that certain provisions of this Act become effective immediately, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HB 441, AN ACT relating to hazardous substances intended for household use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "Kentucky Hazardous Substances Labeling Act."

Section 2. As used in this Act unless the context indicates otherwise:

(1) "Board" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Person" includes any individual, partnership, corporation, firm or association;

(4) "Hazardous substance" means any substance or mixture of substances which is:

(a) "Toxic" and has the inherent capacity to produce bodily injury to man through ingestion, inhalation, or absorption through any body surface, including toxic substances which are poisonous;

(b) "Corrosive" on contact with living tissue causing substantial destruction of tissue by chemical action, but does not refer to action on inanimate surfaces;

(c) "Irritant" and not corrosive within the meaning of Subsection (4) (b) of this section, which on immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction;

(d) "Strong sensitizer" and will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the board;

(e) "Flammable" with a flashpoint of eighty degrees Fahrenheit or below;

(f) "Radioactive" as a result of disintegration of unstable atomic nuclei and emits energy;

(g) Capable of generating pressure through decomposition, heat, or other means;

(h) Capable of causing substantial personal injury or illness during any customary or reasonably anticipated handling or use;

(5) "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance, or is easily legible through the outside container or wrapper.

Section 3. A hazardous substance is hereby declared to be misbranded when intended for household use if it fails to bear a label;

(1) Which states conspicuously:

(a) The name and place of business of the manufacturer, packer, or distributor;

(b) The common or usual name, or the chemical name (if there be no common or usual name), or the recognized generic name (not trade name only) of the hazardous substance or of each component which contributes substantially to its hazard;

(c) One of the following signal words: "Danger", "Warning", or "Caution";

(d) When necessary, an affirmative statement of the principal hazard or hazards such as "Flammable", "Vapor Harmful", "Causes Burns", "Absorbed Through Skin", or similar wording descriptive of the hazard;

(e) Precautionary measures describing the action to be followed or avoided;

(f) Instructions, when necessary, for the first-aid treatment in case of contact or exposure if the substance is hazardous through contact or exposure;

(g) The word "Poison" for any toxic substance which is defined as poisonous by the rules and regulations of the board under the provisions of this Act;

(h) Instructions for handling and storage of packages which require special care in handling or storage; and

(i) The statement "Keep out of reach of children" or its practical equivalent;

(2) On which any statements required under Subsection (1) of this section are not located prominently and are not in English in legible type in contract by typography, layout, or color, with other printed matter on the label; provided, however, that the board may by regulations provide for minimum information which shall appear on the labels for small packages, which labels need not include all of the information required by this section; provided further, that the board may provide for less than the foregoing statement of the hazard or precautionary measures for labels of hazardous substances presenting only minor hazards; and a package shall not be deemed misbranded under the provisions of this Act if it is a substance subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, 7 USC 135 et seq.); the Federal Food, Drug and Cosmetic Act (52 Stat. 1040 et seq., Title 21 USC 301 et seq.); the Kentucky Pesticide Act (KRS 217.540 to 217.640); the Kentucky Food, Drug, and Cosmetic Act, or to packages or substances intended for use in agriculture or horticulture for industrial or related uses.

Section 4. No person shall sell, offer for sale, distribute or transport for sale within this state in a package or container intended for general home and household use a hazardous substance which is misbranded.

Section 5. The board shall adopt rules and regulations for the proper administration and enforcement of this Act. The board may in its discretion adopt tests and standards for determination of toxic, poisonous, corrosive, irritant flammable and radioactive properties of any hazardous substance.

Section 6. (1) Whenever a duly authorized agent of the department finds or has probable cause to believe that any hazardous substance is misbranded, within the meaning of this Act, or is dangerous to public health he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded or dangerous to public health and has been detained or quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or quarantined article by sale or otherwise without such permission.

(2) When an article detained or quarantined under Subsection (1) of this section has been found by such agent to be misbranded or dangerous to public health, he shall petition the judge of the police, county, or circuit court in whose jurisdiction the article is detained or quarantined for an order for condemnation of such article; provided, however, that nothing in this section shall require that the department or its agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the property. When such agent has found that an article so detained or quarantined is not misbranded or dangerous to public health, he shall remove the tag or other marking.

(3) If the court finds that a detained or quarantined article is misbranded or dangerous to public health, such article shall, after entry of the order, be destroyed at the expense of the claimant thereof under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, however, that if the quarantining of the article is due only to misbranding which can be corrected by proper labeling of the article, the court, after the entry of the order and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling under the supervision of an agent of the department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the department that the article is no longer in violation of this Act, and that the expenses of such supervision have been paid.

Section 7. Before any violation of this Act is reported to the Commonwealth, county or city attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated may be given appropriate notice and an opportunity to present his views to the department, either orally or in writing, with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the department to report for prosecution minor violations of the Act whenever it believes that the public interest will be best served by a suitable notice of warning in writing.

Section 8. Any person violating any provisions of this Act shall be guilty of a misdemeanor and shall on conviction be subject to a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days, or both. Each day of violation shall constitute a separate offense.

HB 445, AN ACT relating to amphetamine drugs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Amphetamine" means any drug consisting in whole or in part of racemic amphetamine sulphate, dextro amphetamine sulphate, methentermine, methamphetamine, or any other drug designated by regulation of the State Board of Health and State Board of Pharmacy, or any salt of any of these compounds; except preparations for use in the nose and unfit for internal use.

(2) "Practitioner" means a person licensed under the professional licensing laws of this state to prescribe and administer medicines and drugs.

(3) "Pharmacist" means a person licensed as a pharmacist under the pharmacy licensing law of this state.

Section 2. It shall be unlawful for any person to possess, manufacture, sell, dispense, prescribe or administer any amphetamine except as authorized in this Act.

Section 3. A pharmacist may sell, dispense, and furnish any amphetamine only upon the prescription of a practitioner and then only if the container of such amphetamine bears a label showing the name and address of the pharmacy or pharmacist; the name of the person for whom the amphetamine was prescribed; the date of filling the prescription, and if an animal the species and owner of the same.

Section 4. A practitioner may possess amphetamines in reasonable amounts, and deliver and dispense same to his patients in the general course of his practice provided the container in which such amphetamines are dispensed bears a label showing the name of the practitioner, the name of the person for whom prescribed, date, and directions for use. If prescribed for an animal, the specie and name of the owner shall be shown on the label.

Section 5. Wholesalers and manufacturers may possess amphetamines for manufacturing and may sell, and deliver same at wholesale, accompanied in each case with an invoice or bill of sale, to the following:

(1) Pharmacists;
(2) Practitioners;
(3) For lawful research, teaching or testing, and not for resale;
(4) Hospitals and institutions where distribution is directed by practitioners;
(5) Federal, state, and local governments;
(6) Manufacturers and other wholesalers.

Section 6. A person to whom or for whose use any amphetamine has been prescribed, sold, or dispensed, by a practitioner or pharmacist, and the owner of any animal for which any amphetamine has been prescribed, sold, or dispensed by a practitioner or pharmacist may lawfully possess it only in the container in which it was delivered to him by the practitioner or pharmacist.

Section 7. This Act shall be administered jointly by the State Department of Health and the State Board of Pharmacy, and their authorized agents. The State Board of Health and the State Board of Pharmacy shall make such rules and regulations as are deemed necessary to carry out the intent and purpose of this Act.

Section 8. (1) It is hereby made the duty of the State Department of Health and the State Board of Pharmacy, their officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all city, county, and Commonwealth attorneys, and the Attorney General, within their respective jurisdictions, to enforce all provisions of this Act and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to amphetamines.

(2) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives, and agents of the State Department of Health and the State Board of Pharmacy shall have the full power and authority of peace officers in this state, including the power of arrest and the authority to bear arms, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, to require the production of prescriptions, of books, papers, documents, or other evidence, to employ special investigators and to expend funds for the purpose of obtaining evidence. Investigators, inspectors, representatives and agents of the State Department of Health and the State Board of Pharmacy are empowered to remove from the files of any apothecary or other custodian any amphetamine prescription upon tendering a receipt therefor.

(3) It shall be the duty of the State Department of Health to make or cause to be made examinations of samples secured under the provisions of this Act to determine whether or not any provision thereof has been violated.

Section 9. Any person who possesses, manufactures, sells, dispenses, prescribes or administers any amphetamine drug, except as authorized in this Act, shall be punished by confinement in the county jail for not less than six months nor more than one year, or by a fine of not less than three hundred dollars nor more than five hundred dollars, or both, and each violation shall constitute a separate offense.

HB 446, AN ACT relating to foods, drugs, cosmetics and devices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Kentucky Food, Drug and Cosmetic Act.